THE

BENGAL LEGISLATIVE COUNCIL

PROCEEDINGS.

(Official Report.)

WEST BENGAL LEGISLATIVE ASSEMBLY
Accn. No. 57
27 JUNE 1950
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FOURTEENTH SESSION.

1924.

VOLUME XIV—No. 1.

(22nd to 25th, and 28th January, 1924.)

CALCUTTA :
Bengal Secretariat Book Depot.
1924.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

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The Hon'ble Maulvi ABUL KASIM FAZL-UL HAQ, in charge of the following portfolio:—

Education.

The Hon'ble Hadji Mr. ABDUL KARIM ABU AHMED KHAN GHUZNAVI in charge of the following portfolios:—

Agriculture and Public Works.

GOVERNMENT OF BENGAL.

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The Hon'ble Mr. H. E. A. COTTON, C.I.E.

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Kumar SHIB SHEKHARESWAR RAY.

Sir WILLOUGHBY CAREY.

Babu JATINDRA NATH BASU.

Maulvi EKRAMUL HUQ.

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Assistant Secretaries to the Council—W. J. BARTLEY, A. M. HUTCHISON, and K. N. MAJUMDAR.

Registrar to the Council—J. W. MCKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Ahamad, Maulvi Asimuddin. [Tippera (Muhammadan).]
Ahmed, Maulvi Rafi Uddin. [Jessore North (Muhammadan).]
Ahmed, Maulvi Tayebuddin. [Mymensingh East (Muhammadan).]
Ahmed, Maulvi Zannoor. [Burdwan Division South (Muhammadan).]
Aley, Mr. S. Mahboob. [Calcutta North (Muhammadan).]
Ali, Maulvi Sayyed Sultan. [Khulna (Muhammadan).]
Ali, Mr. Altaf. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader, B.L. [Dinajpur (Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Satya Kishore. [Burdwan Landholders.]
Banerjee, Mr. Ashiny Coomar. [Calcutta South Central (Non-Muhammadan).]
Banerjee, Rai Bahadur Abinash Chandra. (Nominated Non-official.)
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur (Non-Muhammadan).]
Barton, Mr. H. (Anglo-Indian.)
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Babu Sarat Chandra. [Burdwan (Non-Muhammadan).]
Bell, Mr. J. W. A. (Bengal Chamber of Commerce.)
Bose, Babu Bejoy Krishna. (Calcutta University.)

C

Carey, Sir Willoughby, Kt. (Indian Mining Association.)
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Chakravorti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]
Chakravorty, Babu Sudarsan. [Rajshahi (Non-Muhammadan).]
Chatterjee, Babu Umes Chandra. [Bankura East (Non-Muhammadan).]
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur, C.I.E. [Dacca West Rural (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhury, Maulvi Md. Nurul Huq. [Chittagong (Muhammadan).]
Chaudhury, Maulvi Saiyed Abdur Rob. [Faridpur South (Muhammadan).]
Choinuddin, Khan Bahadur Maulvi Md. [Rajshahi North (Muhammadan).]

Chowdhury, Maulvi Fazlal Karim. [Bakarganj North (Muhammadan).]
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Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. Charles G. (Indian Jute Mills Association.)
Cottle, Mr. J. (Calcutta Trades Association.)
Crawford, Mr. T. C. (Indian Tea Association.)

D

Das, Babu Charu Chandra. (Nominated Non-official.)
Das, Dr. Mohini Mohon. [Faridpur South (Non-Muhammadan).]
Das, Mr. C. R. [Midnapore South (Non-Muhammadan).]
Das Gupta, Dr. J. M. [Bogra *cum* Pabna (Non-Muhammadan).]
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Daud, Mr. M. (Nominated Non-official.)
Deare, Major-General B. H., C.S.I., I.M.S. (Nominated Official.)
DeLisle, Mr. J. A. [Dacca and Chittagong (European).]
Dey, Babu Boroda Prosad. [Hooghly Municipal (Non-Muhammadan).]
Dey, Mr. G. G. (Nominated Official.)
Donald, the Hon'ble Mr. J., C.S.I., C.I.E. (Member, Executive Council.)
Donovan, Mr. J. T. (Nominated Official.)
Doss, Rai Bahadur Pyari Lal, M.B.E. [Dacca City (Non-Muhammadan).]
Dunn, Dr. T. O. D. (Nominated Official.)
Dutt, Mr. G. S. (Nominated Official.)

E

Emerson, Mr. T., C.I.E. (Nominated Official.)

F

Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Gafur, Maulvi Abdul, B.L. [Pabna (Muhammadan).]
Ganguly, Babu Khagendra Nath. [Howrah Muncipal (Non-Muhammadan).]
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan. [Minister, Mymensingh West (Muhammadan).]
Godfrey, Sir George, Kt. (Bengal Chamber of Commerce.)
Goenka, Babu Badridas. (Bengal Marwari Association.)
Guha Mr. P. N. (Nominated Non-official.)
Gupta, Mr. N. R., C.I.E. (Nominated Official.)

H

Haq, Khan Bahadur Kazi Zahirul. [Dacca East Rural (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Haq, the Hon'ble Maulvi A. K. Fazl-ul. [Minister, Bakarganj West (Muhammadan).]
Hoque, Maulvi Sayedal. [Noakhali (Muhammadan).]
Hossain, Khan Bahadur Maulvi Musharruf. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Wahed. [Barrackpore Municipal (Muhammadan).]
Huntingford, Mr. G. T. (Nominated Official.)
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]
Huq, Maulvi Mahbubul. [24-Parganas Municipal (Muhammadan).]

J

Joardar, Maulvi Aftab Hossain. [Nadia (Muhammadan).]
Jones, Mr. J. A., C.I.E. [Presidency and Burdwan (European).]

K

Khaitan, Babu Debi Prosad. (Nominated Non-official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Maulvi Abdur Rashid. [Noakhali (Muhammadan).]
Khan, Maulvi Amanat, B.A. [Chittagong (Muhammadan).]
Khan, Maulvi Mahi Uddin. [Rangpur East (Muhammadan).]

L

Lal Mahammed, Haji. [Rajshahi South (Muhammadan).]
Law, Raja Reshee Case, C.I.E. (Bengal National Chamber of Commerce.)
Lees, Mr. D. H. (Nominated Official.)

M

Mahammed, Maulvi Basar. [Rangpur West (Muhammadan).]
Mahtab, the Hon'ble Sir Bijay Chand, G.C.I.E., K.C.S.I., I.O.M., Maharajadhiraja Bahadur of Burdwan. (Member, Executive Council.)
Maity, Babu Mahendra Nath. [Midnapore South (Non-Muhammadan).]
Marr, Mr. A., C.I.E. (Nominated Official.)
Masih, Mr. Syed M. [Faridpur North (Muhammadan).]
McAlpin, Mr. M. C., C.I.E. (Nominated Official.)
Mitra, Babu Satyendra Chandra. [Noakhali (Non-Muhammadan).]
Mitter, Mr. Provash Chunder, C.I.E. (Presidency Landholders.)

Moberly, Mr. A. N. (Nominated Official.)
Moreno, Dr. H. W. B. (Anglo-Indian.)
Mukerjea, Babu Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, Khaje, M.A., (Cantab.), Bar-at-Law. [Bakarganj South (Muhammadan).]
Neogi, Babu Monmohan. [Mymensingh West (Non-Muhammadan).]

P

Pahlowan, Maulvi Md. Abdul Jubbar. [Mymensingh West (Muhammadan).]
Philip, Mr. J. Y. (Bengal Chamber of Commerce.)

Q

Quader, Maulvi Abdul. [Jessore South (Muhammadan).]

R

Rahim, the Hon'ble Sir Abd-ur., Kt. (Member, Executive Council.)
Rahman, Mr. A. F. (Dacca University.)
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Ray, Babu Abanish Chandra. [Birbhum (Non-Muhammadan).]
Ray, Babu Anilbaran. [Bankura West (Non-Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Rose, Mr. G. F. (Indian Jute Mills Association.)
Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. D. N., Bar.-at-Law. [Jessore North (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy, Mr. Satcowripati. [Calcutta North-West (Non-Muhammadan).]
Roy, Mr. Tarit Bhusan. (Bengal Mahajan Sabha.)
Roy, Raja Manilall Singh, C.I.E. [Burdwan (Non-Muhammadan).]

Roy Chaudhuri, Babu Sailaja Nath. [Khulna (Non-Muhammadan).]
Roy Chaudhuri, Mr. K. C. (Nominated Non-official.)
Roy Chaudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]
Roy Chaudhury, Babu Brajendra Kishore. (Dacca Landholders.)

S

Sarkar, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]
Sarkar, Maulvi Allah Buksh. [Dacca City (Muhammadan).]
Sarker, Babu Hemanta Kumar. [Nadia (Non-Muhammadan).]
Sasmal, Mr. Birendra Nath. [24-Parganas Rural South (Non-Muhammadan).]
Sen, Mr. Nisith Chandra. [Bakarganj North (Non-Muhammadan).]
Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Stephenson, the Hon'ble Sir Hugh, K.C.I.E., C.S.I. (Member, Executive Council.)
Stuart-Williams, Mr. S. C. (Nominated Official.)
Suhrawardy, Dr. A. [24-Parganas Rural (Muhammadan).]
Suhrawardy, Major Hassan. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Suhrawardy, Mr. Huseyn Shaheed. [Calcutta South (Muhammadan).]
Swan, Mr. J. A. L. (Nominated Official.)

T

Tarafdar, Maulvi Rajb Uddin. [Bógra (Muhammadan).]
Travers, Mr. W. L., O.B.E. [Rajshahi (European).]

V

Villiers, Mr. Edward. [Presidency and Burdwan (European).]

W

Willis, Mr. Arthur d'Anyers. (Bengal Chamber of Commerce.)
Wilson, Mr. R. B., C.I.E. (Bengal Chamber of Commerce.)

Y

Yasin Maulvi Muhammad. [Burdwan Division North (Muhammadan).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Fourteenth Session.)

VOLUME XIV—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 22nd January, 1924, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Maulvi A. K. Fazl-ul Haq, the Hon'ble Hadji Mr. Abdul Karim Abu Ahmed Khan Ghuznavi, and 123 nominated and elected members.

Oaths.

The Hon'ble Maulvi A. K. Fazl-ul Haq, the Hon'ble Hadji Mr. Abdul Karim Abu Ahmed Khan Ghuznavi, and 123 nominated and elected members made an oath or affirmation of their allegiance to the Crown.

Adjournment.

The Council, was then adjourned to 2-40 P.M. on Wednesday, the 23rd January, 1924, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

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Present:

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Oaths.

The following members made an affirmation of their allegiance to the Crown:—

Mr. PROVASH CHUNDER MITTER.
Babu SAILAJA NATH ROY CHAUDHURI.

At 3 P.M., the Registrar to the Council announced to the Hon'ble the President that His Excellency the Governor was without.

The Hon'ble the President then left his seat on the dais and met His Excellency at the head of the staircase. His Excellency then entered the Chamber in procession with the Hon'ble the President and, at the request of the Hon'ble the President, took his seat in the Presidential Chair, the Hon'ble the President being seated on His Excellency's right.

His Excellency the Governor's Address.

His EXCELLENCY the GOVERNOR of BENGAL (the Earl of Lytton): GENTLEMEN,—Since the dissolution of the last Legislative Council in August some important events have taken place which you will no doubt expect me to refer to in opening this the second Council which has been elected under the reformed constitution. In the first place we have had a general election which has caused many changes in the faces which now surround me. Some members of the old Council have been re-elected and I congratulate them on their return. Others are new and are now sitting in this Chamber for the first time. I bid them welcome to an Assembly where they will find the traditions of Parliamentary Government already well established by their predecessors.

This change in the composition of the Legislative Council has produced a corresponding change in that part of the Executive Government which is responsible to it. My first duty in opening this new Council is

to pay a tribute to my late Ministers for the valuable services which they rendered while in office and to invite the support of this Council for those who have taken their place.

There are apparently some people who regard a Minister as one who can be bribed by a high salary to surrender his convictions and is therefore to be opposed from the moment he accepts office. This is a completely false conception which time and the example of successive Ministers will have to dispel. In reality the office of Minister is one of great responsibility and great difficulty which offers to a patriotic man the best opportunity of serving his country, and the man who occupies it is entitled to the sympathy and respect of his fellow countrymen. My late Ministers have served their country faithfully in circumstances of quite exceptional difficulty. They have shown courage in shouldering responsibility and efficiency in administration which fully justified their selection as the first Ministers in Bengal. I hope that the historian of the future will do justice to the important part which they have played in laying the foundations of responsible Government in India. As colleagues I always found them able, loyal and helpful, and no one knows better than I do how earnestly and conscientiously they worked for the good of those interests which were committed to their charge. I am glad to take the first opportunity that has been afforded to me of expressing in public my personal gratitude for the able assistance they have given me in the Government during the last two years. Let it not be forgotten that they were the first to establish, without any precedents to guide them; the traditions from which their successors will now be able to profit.

That there has been a change in the composition of the Executive Government is due to the fact that during the last few months we have experienced in Bengal the same kind of political crisis which has also taken place in England. Our constitution does not yet correspond exactly with the constitution in England and therefore the results of the crisis in this country are not exactly the same. It is not by any means certain that the constitutions in the two countries will ever exactly approximate. Their past history and present conditions are so fundamentally different that it would be folly for constitution-makers in India to attempt a slavish imitation of the British constitution. Nevertheless, I believe that it is really the wish of every member of this Council—whatever may be his party denomination and whatever may be his views as to the best way of realising the wish—that ultimately and with no more delay than may be necessary the Executive Governments in India should become responsible to their respective legislatures, and that the Indian constitution should develop on the lines best suited to the Indian conditions. That was also the intention of those who framed and passed the Act of 1919 and that ultimate object is before me in everything which I say or do in this country. It is from that point of view, therefore, that I ask you to consider what I have to say on this occasion regarding our recent political crisis.

My power to help forward the attainment of responsible Government in this country is proportioned to the support which I can receive from this Council, and the support which you, Gentlemen, are likely to give me will be determined by the conception you entertain of the proper functions of this Council. Under such a constitution as you aspire to possess it is not the function of the legislature to govern. That is the function of the Executive. The primary function of the legislature is to determine the character—not the personnel but the character—of the executive, and having determined it to support it so long as it preserves that character. That form of constitution can only work so long as the political opinion of the country is organised into clearly defined groups or parties. A general election then becomes a contest between the different groups for the right to determine the character of the Executive. The one which secures the return of the largest number of its candidates must then accept responsibility for putting its policy into operation and the one which is left in a minority must seek to recover the majority at successive elections, and if successful must be prepared to take the place of the party which it has defeated. The obstacle to complete responsible Government in India to-day is not so much the defective form of the existing constitution as the defective formation and mobilisation of political opinion. So long as the voters and the candidates for election regard themselves as individual units free to vote according to the dictates of their personal consciences and in the absence of recognised leaders who can count on the support of their followers responsible Government on the representative principle cannot be established. It was that condition which made the selection of the first Ministers so difficult and which rendered it equally difficult for the Ministers when selected to serve the legislature to which they were responsible. The work of the late Ministers in partially organising their followers and the arrival on the scene during the last election of a definitely organised political party with an acknowledged leader have carried us a long way forward along the road to the desired goal. It will be your task, Gentlemen, in the Council which I am opening to-day by still further consolidating the political groups to which you belong to improve the working of our representative machinery.

When the results of the recent election in Bengal became known it was apparent that the party which had secured the majority of the elected seats was not a party which acknowledged the leadership of the existing Ministers and it was for this reason, and this reason alone, that I accepted their resignations. As you know I then invited the leader of what appeared to be the largest party to accept responsibility for the transferred departments. That invitation was declined because it is at present a principle of that party to accept no responsibility and to oppose all Government until the form of the constitution has been altered. I shall not on this occasion say anything about the merits of that policy, I am only now concerned with the consequences of it. Since I could not secure Ministers from that party, and since Government by an opposition is the

very negation of responsible Government, I selected my new Ministers from among those who believed that the best way of achieving the end which is desired by all is not to refuse but to accept responsibility, not to destroy the foundations, but to build upon them, not to obstruct but to construct. That will be the policy of the new Ministers who have accepted office, as it was the policy of my late Ministers, and if all those who believe in that policy will sink their personal differences and subordinate their disagreements on minor matters to the service of this one great principle which they have in common, the present Government will have sufficient votes in this Council to carry out its policy during the next three years, and to advance in that time appreciably nearer to the goal which we all desire to reach. But without organisation, without party discipline, without loyalty to party leaders there will be no progress. Throughout the sessions of this Council there will be only one main issue before you, namely, whether you will side with the party of obstruction or whether you will side with the party of construction. If the object of both is the same, namely, the attainment of full responsible Government, their methods of obtaining it are fundamentally different. One proposes to show that within existing limits partially responsible Government can be made to work so successfully that there will be no danger in removing the limits, the other proposes to show that partially responsible Government is unworkable but can unfortunately by that means alone convince no one that full responsible Government will work any better. It is for you to choose which is likely to be the more successful, but do not forget that whatever may be the immediate subject on which you will vote, every division will in reality be taken on that issue.

Gentlemen, there is one other subject to which you will probably expect me to refer, because it is one on which this Council is entitled to some explanation from the Head of the Executive Government. When proroguing the last Council I made an announcement which probably surprised the members as well as the general public. I reminded them of the bitter experience which this province had had of political crime in the past; I warned them that Government possessed evidence of the revival of a revolutionary conspiracy and that young men were again being trained to commit robbery and murder in the belief that they were thereby serving their country; I announced that the Government would take whatever steps might be necessary to suppress this dangerous movement, and I appealed for public support in the measures we might adopt. That was all I was able to say at that time and in the absence of definite evidence many persons may have found it difficult to believe that the recent dacoities which had been committed had any political motive or had been inspired by any revolutionary organisation. Recent events have unhappily proved the justification of my warning and must have convinced every thinking man and woman that there are still in Bengal misguided individuals who believe that political aspirations can best be realised by means of assassination and who consider it an act of patriotism to murder

prominent officials. No sane person is likely to believe that the authors of these crimes are isolated fanatics who have conceived a personal hatred of their intended victim and have acquired their foreign weapons without the aid of associates. Everyone in Bengal knows only too well the kind of influence which is brought to bear on these impressionable young students, the kind of literature by which their minds are inflamed, the kind of organisation which supplies them with the weapons which they possess and trains them in their use. Now it is the universal experience of all Governments that are confronted with organised and wide-spread revolutionary conspiracies of this character that they cannot be suppressed by means of the ordinary law. It is not peculiar to India. Almost every European country has at one time or another had this experience. Every Executive Government so situated is obliged to obtain the sanction of its legislature to the use of emergency measures. That was the experience of the Government of Bengal in the past. When they had to rely on the ordinary law the revolutionary movement flourished, when they were armed with the emergency powers of the Defence of India Act it was effectively suppressed. If any doubt could exist on this point it has recently been removed by the publication of the reminiscences of the older revolutionaries who openly boasted of the helplessness of the Government when it had only the ordinary law to rely upon. The power of internment suppressed the movement and this very significant fact should be remembered that though over 1,200 men so interned have been subsequently released, no allegation has ever been made that any man had been detained who was not in fact connected with the revolutionary movement.

That the movement has been revived within the last year no one can now doubt, and the only question to be considered is how it is to be dealt with. It is no party question. All parties in this Council I am convinced are equally anxious to save Bengal from another outbreak of violent revolutionary crime. The suggestion that Government are trying to hamper the activities of the Congress Party or of the Swarajya Party by arresting their members is of course entirely without foundation and statements to that effect do not deceive any one. The Government has no quarrel with those parties. Violence is, I believe, equally condemned by both of them, and in the suppression of organised violence Government is as much entitled to their support as to that of any other party. There are as I have explained only two alternatives open to us: one is to allow the revolutionary conspiracy to continue; to permit robbery and murder to be planned, and content ourselves with the punishment of those who commit them when they can be captured; to allow the minds of impressionable young men fresh from college with eager impulsive natures and hearts aflame with righteous patriotic fervour to be poisoned by the revolutionary virus; to risk the lives of our servants and even those of innocent men in the street; to send the assassins to the gallows and allow those who have perverted them, trained them, armed them and sent them out upon their butchers' work to lurk in the background unscathed to prepare lists of

fresh victims—that is one policy, that is what is euphemistically described as relying on judicial proceedings. It is a policy which we have unhesitatingly rejected. The other policy is to employ emergency measures, to strike swiftly and unhesitatingly at the leaders, to stop the poison at its source, to use exceptional powers never intended for normal conditions to such men only as have placed themselves beyond the pale of the ordinary law. I told the members of the last Council that we would not hesitate to employ such measures—the only ones that have proved effective in the past—if the occasion should arise. The occasion has arisen and we have dealt with it promptly without waiting for the poison to spread. If any member of this Council can suggest a better method than the one we have adopted for dealing with the situation, we shall be glad to hear it. Looking at the resolutions which have been tabled, however, for this session the only contribution to our difficulties which I can discover is a proposal that we should release the men who hatch the plots and content ourselves with hanging the men who carry them out.

I have not the slightest doubt that the whole public opinion of Bengal would support us in the action we have taken if only they knew all the facts which are known to us. Unfortunately we cannot place them in possession of that knowledge but they are entitled to some guarantee that we have made no mistakes in the individuals whom we have selected. After all it is only human to err and we do not claim to be immune from the possibility of error. With the best intentions in the world, and with the best information, we are not infallible, and where our mistake would mean depriving an innocent man of his liberty some check on our own judgment is required. I do not believe that any member of this Council would ask for the release of the men whom we have arrested and interned if he believed that they were guilty of organising robbery and murder. Remember these men are not detained for their political opinions. We are in no way concerned with their opinions but only with the methods they employ to attain their object. In order, therefore, to safeguard ourselves against error and to provide the public with some guarantee that we have not abused the powers we possess we have submitted the whole of our case to the impartial examination of two Judges. These Judges have examined the material we have put before them and have informed us—(1) that the existence of a revolutionary conspiracy is clearly established; and (2) that the evidence is sufficient to prove active participation in that conspiracy in the case of every man whom we have detained by the use of Regulation III of 1818.

I trust that the Council will seriously consider the information that I have given them and will support the Government in their efforts to save Bengal from reverting to the horrible experiences of 1912—1916 and incurring the reproach of the whole civilised world that the cause of Indian nationalism is stained with blood.

Gentlemen, I do not want to leave the matter there; I am not content merely to ask for your support in suppressing revolutionary crime. I

want to enlist your support in a more inspiring cause. I want your help in removing the motives of such crime. I want you to prevent the waste of the lives of the men now in detention by providing them with a better way of serving their country than by robbing one set of their fellow-citizens in order to buy arms with which to murder another set. Their ultimate object may be the same as that which I have acknowledged is common to members of all parties in this Council, but they have become obsessed with the idea that it cannot be obtained except by violence and sacrifice. The pity of the situation is that their supposed enemies are the creations of their own imagination; the men whom they wish to murder are in reality only the servants of their country desiring, as they do themselves, its welfare and its prosperity. There are no barriers to freedom except those which are caused by internal jealousy and strife, no obstacles to the attainment of their political ambitions but those which are erected in this country. Gentlemen, there is a phrase which has found currency in certain political circles recently, and which many of you have no doubt employed, namely, the demand for " a change of heart " on the part of the Government. What you do not realise is that the heart of the Government is in your keeping and its actions are determined by your own. If you, who are the leaders of political opinion, teach your followers that Government is a wicked thing, that all authority is obnoxious and that the words " law and order " are odious, then you will of necessity foster a spirit of rebellion and encourage crime which any Government however it were composed would have to repress, which you yourselves would encounter and have to repress when your ambitions are realised. If, however, you will persuade those who accept your authority that a strong Government, wise laws and the maintenance of public order are the greatest blessings which any country can possess, blessings not lightly to be thrown away but patiently and earnestly to be striven after, for without them there can be no happiness or prosperity, then you will find in the Government which you will obtain that " change of heart " which you profess to desire. Even at this moment and under the present constitution the character and policy of the Government is yours to shape, it is only fear and mistrust of each other that blind your eyes to the freedom which is already yours. The sooner you are able to realise this the sooner will the obstacles to further progress be removed, the barriers overcome and the goal attained.

His Excellency the Governor then left the Chamber in procession, preceded by the Hon'ble the President.

Election of the Deputy President.

On the return of the Hon'ble the President to the Chamber the Council proceeded to the election of the Deputy President.

After the members had recorded their votes, the Hon'ble the President directed the Secretary to the Council to count them.

The Hon'ble the President then declared the result of the voting, which was as follows:—

Major Hassan Suhrawardy—.....51.
Babu Surendra Nath Ray—.....29.
Khan Bahadur Maulvi Musharraf Hossain.....4.
Rejected—.....2.

Adjournment.

The Council was then adjourned to 3 P.M. on Thursday, the 24th January, 1924, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 24th January, 1924, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers (the Hon'ble Mr. Abul Kasim Fazl-ul Haq and the Hon'ble Hadji Mr. Abdul Karim Abu Ahmed Khan Ghuznavi), and 121 nominated and elected members.

Oaths or Affirmation.

Mr. J. M. Sen Gupta made an affirmation of his allegiance to the Crown.

Appointment of Deputy President.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): I have it in command from His Excellency the Governor to inform the Council that he has been pleased to approve the selection of Major Hassan Suhrawardy as Deputy President. Will the Secretary kindly lead the Deputy President to his Chair?

The Secretary then led the Deputy President to his Chair.

Mr. PRESIDENT: Gentlemen, the proper time to congratulate the new Deputy President is when he has given up his office, but I cannot allow this occasion to pass without recording an appreciation of the valuable services rendered to the Council and also to myself by the late Deputy President, Babu Surendra Nath Ray.

Panel of Chairmen.

Mr. PRESIDENT: Gentlemen, in accordance with the provisions of rule 3 of the Bengal Legislative Council Rules, 1920, I have nominated the following members to form a Panel of four Chairmen, viz., Kumar Shib Shekhareswar Ray, Sir Willoughby Carey, Babu Surendra Nath Ray, and Babu Jatindra Nath Basu. Unless otherwise arranged, the senior member among them present in the order named will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Letter from Mrs. Pugh.

Mr. PRESIDENT: The Secretary, Mr. Tindall, has received the following letter from Mrs. Pugh, the widow of Mr. A. J. Pugh, a former member of this Council:—

I shall be glad if you will convey to the Hon'ble the President and members of the Bengal Legislative Council my very sincere thanks for the expression of their sympathy with me and my children in the loss of my late husband. It was his great desire to serve in some way the city that was his home for thirty years and I am happy to know from Mr. Cotton's reference to him in Council of the value set upon his work and that his wish was fulfilled.

Thank you too for your kind sympathy.

Death of Council Member.

Mr. PRESIDENT: The Council must have learnt with regret of the death of Babu Nalini Nath Ray, a member of the late Council, whose death took place under rather unusual circumstances during the last election, between the dates of his election and of the declaration of his election as a member of this Council. As a mark of respect, I would ask the Council to show their respect by standing in their seats. They will, no doubt, desire that a message of condolence be sent to the relatives of the deceased member.

All members rose and remained standing in their seats for a few moments.

Mr. PRESIDENT: Thank you, gentlemen. The Secretary will kindly send a message of condolence to the relatives of the deceased member.

Panel of Chairmen.

Babu SURENDRA NATH RAY: Mr. President, I thank you for having nominated me on the Panel of Chairmen, but I am sorry I shall not be able to serve on it.

Mr. PRESIDENT: Very well, I shall make another nomination.

Starred Questions

(to which oral answers were given).

Police-stations in Jessore.

*1. **Maulvi ABDUL QUADER:** Will the Hon'ble the Member in charge of the Police Department be pleased to state the names of the particular police-stations, if any, which are going to be abolished in the Jessore district in consequence of the recommendations of the Retrenchment Committee?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): The recommendation of the Retrenchment Committee in paragraph 161 of their report for the amalgamation of police-stations are under examination by the Inspector-General of Police, but no decision has yet been reached as regards Jessore.

Period of stay of officers in any one station.

*11. **Maulvi ABDUL QUADER:** Will the Hon'ble the Member in charge of the Appointment Department be pleased to state—

(*i*) whether gazetted officers, especially District Magistrates, District Judges, Munsifs and Subdivisional Officers are not kept in one station for more than three years; and

(*ii*) if so, whether this practice will always be followed in future?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*i*) and (*ii*) The period for which any officer of Government is kept in a post is at the discretion of Government and depends on the nature of the post, the qualifications of the officer, and the interests of the public service.

Stenographers of Sessions Judges.

*111. **Maulvi ABDUL QUADER:** (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether there are stenographers attached to the several Sessions Judges in Bengal to take shorthand notes in English of charges to the jury in sessions cases?

(*b*) Is it not a fact that Judges have to deliver charges to the jury in the vernacular, after which they prepare and write out their charges in English?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, are the Government considering the desirability of abolishing the posts of stenographers and of employing them profitably in some other work of the Government?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) Stenographers are employed in 12 districts by District Judges, with the permission of the High Court, ordinarily for the purpose of recording their judgments in civil cases.

(*b*) The practice varies with different Judges. Some of them deliver their charges to the jury in the vernacular; while the others do it in English which is interpreted into the vernacular.

(*c*) The question does not arise.

Quadruple munsifi building at Pirojpur.

*IV. **Rai SATYENDRA NATH ROY CHAUDHURI Bahadur:** (*a*) Is the Hon'ble the Member in charge of the Judicial Department aware that a quadruple munsifi pucca building was sanctioned at Pirojpur in the district of Bakarganj some years ago and that nothing has been done as yet?

(*b*) Are the Government considering the desirability of expediting the matter?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Yes.

(*b*) Yes.

RAI SATYENDRA NATH ROY CHAUDHURI Bahadur: May I ask by what time the completion of the work may be expected?

The Hon'ble Sir ABD-UR-RAHIM: I cannot say.

Establishment of an Agricultural Institute.

*V. **Babu MANMATHA NATH ROY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether any scheme for the foundation of a College or a High School for giving practical training in Agriculture in this province on the lines of the scheme sanctioned in Bombay has been sanctioned?

(*b*) If so, are the Government proposing to establish such an institution in the near future?

(*c*) If so, when?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi): (*a*), (*b*) and (*c*) A complete scheme for the establishment of an Agricultural Institute at the Dacca Farm has been prepared but is held up for financial reasons.

Cotton cultivation.

*VI. **Maulvi ABDUL QUADER:** (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state—

(*i*) whether any steps are being taken by the Government for the cultivation of cotton in Bengal; and

(*ii*) the number of agricultural officers in the province and the nature and extent of their work?

(*b*) Are the Government considering the desirability of abolishing some of the posts of agricultural officers and of employing them in some other work, *e.g.*, helping in the cultivation of cotton in the whole province?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) (*i*) The answer is in the affirmative.

(*ii*) It is presumed that District Agricultural Officers are meant. The number is 42, of whom 2 are employed in schools, 4 in farms and 36 in farm and propaganda work.

(*b*) Government is discharging some agricultural officers, but Government is not considering the desirability of employing them in helping in the cultivation of cotton.

Separation of Judicial and Executive functions.

***VII. Maulvi ABDUL QUADER:** Will the Hon'ble the Member in charge of the Appointment Department be pleased to state what steps are being taken to carry into effect the recommendations of the Greaves Committee regarding the separation of Executive and Judicial functions in Bengal?

The Hon'ble Sir HUGH STEPHENSON: A Special Officer is now working out the cost of a scheme which it is hoped to publish.

Meston Award.

***VIII. Babu MANMATHA NATH ROY:** Will the Hon'ble the Member in charge of the Department of Finance be pleased to state—

(*i*) how far the Government have succeeded in the matter of their protest against the Meston Award so far as it affects this Presidency; and

(*ii*) whether there is any likelihood of its revision in the near future?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald: (*i*) The only concession which has been made in consequence of the protest of the Government of Bengal against the Meston Award is the remission for 3 years from 1922-23 to 1924-25 of the annual contribution of Rs. 63 lakhs to the Central Government.

(*ii*) Government have no information.

Expenditure on salaries of officers of various communities.

***IX. Khan Bahadur Maulvi MUSHARRUF HOSSAIN:** Will the Hon'ble the Member in charge of the Political and Police Departments be pleased to lay on the table a statement showing separately what

amount out of the total sum spent for the salary of all grades of officers under him goes to the members of the following communities, namely:—

(*i*) European,

(*ii*) Anglo-Indian,

(*iii*) Hindu, and

(*iv*) Muhammadan?

MEMBER in charge of POLITICAL and POLICE DEPARTMENTS (the Hon'ble Sir Hugh Stephenson): The information is not readily available and the labour involved in obtaining it would be incommensurate with its value.

Expenditure on salaries of officers of various communities.

***X. Khan Bahadur Maulvi MUSHARRUF HOSSAIN:** Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a statement showing separately what amount out of the total sum spent for the salary of all grades of officers under him goes to the members of the following communities, namely:—

(*i*) European,

(*ii*) Anglo-Indian,

(*iii*) Hindu, and

(*iv*) Muhammadan?

The Hon'ble Sir ABD-UR-RAHIM: The information is not readily available and the labour involved in obtaining it would be incommensurate with its value.

Expenditure on salaries of officers of various communities.

***XI. Khan Bahadur Maulvi MUSHARRUF HOSSAIN:** Will the Hon'ble the Member in charge of the Department of Revenue be pleased to lay on the table a statement showing separately what amount out of the total sum spent for the salary of all grades of officers under him goes to the members of the following communities, namely:—

(*i*) European,

(*ii*) Anglo-Indian,

(*iii*) Hindu, and

(*iv*) Muhammadan?

MEMBER in charge of DEPARTMENT of REVENUE (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): The information is not readily available and the amount of trouble in collecting it would be incommensurate with its value.

Expenditure on salaries of officers of various communities.

***XII. Khan Bahadur Maulvi MUSHARRUF HOSSAIN:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing separately what amount of the total sum spent for the salary of all grades of officers under him goes to the members of the following communities, namely:—

(*i*) European,
(*ii*) Anglo-Indian,
(*iii*) Hindu, and
(*iv*) Muhammadan?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. C. S. Dutt): The information is not readily available and the labour involved in obtaining it would be incommensurate with its value.

Expenditure on salaries of officers of various communities.

***XIII. Khan Bahadur Maulvi MUSHARRUF HOSSAIN:** Will the Hon'ble the Minister in charge of the Department of Education be pleased to lay on the table a statement showing separately what amount out of the total sum spent for the salary of all grades of officers under him goes to the members of the following communities, namely:—

(*i*) European,
(*ii*) Anglo-Indian,
(*iii*) Hindu, and
(*iv*) Muhammadan?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Maulvi A. K. Fazl-ul Haq): The information is not readily available and the labour involved in obtaining it would be incommensurate with its value.

Medical officer attached to Sadar Charitable Dispensary at Rangpur.

***XIV. Maulvi BASAR MAHAMMED:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact—

(*i*) that for want of funds the Government have abolished the post of the Assistant Surgeon attached to the Sadar Charitable Dispensary at Rangpur; and

(*ii*) that Government have not passed favourable orders on a representation to the Government on behalf of the public of Rangpur for retaining that post?

Mr. C. S. DUTT: (*i*) The Assistant Surgeon at Rangpur was substituted by a Sub-Assistant Surgeon in accordance with the general scheme of retrenchment suggested by the Bengal Retrenchment Committee in paragraph 239 of their Report.

(*ii*) The representations made on behalf of the public of Rangpur for retaining the Assistant Surgeon were carefully considered by Government. There are at present two Sub-Assistant Surgeons attached to the Sadar Hospital at Rangpur and the Civil Surgeon of the district attends the hospital daily. Government do not think that there has been any loss in efficiency by the substitution of the Assistant Surgeon by a Sub-Assistant Surgeon.

Levy of fees on in-patients in hospitals.

***XV. Babu MANMATHA NATH ROY:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the Government still consider it desirable to continue the system of levying fees on in-patients in public hospitals?

Mr. C. S. DUTT: The Minister, who has recently taken over charge of the Department of Local Self-Government, is inquiring into the matter, and until the inquiry is completed he is not in a position to answer the question.

Municipal election of Pirojpur.

***XVI. Rai SATYENDRA NATH ROY CHAUDHURI Bahadur:** (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that the election of the Pirojpur municipality in the district of Bakarganj was due in March last and was so notified?

(*b*) Is it a fact that it was subsequently postponed *sine die* at the request of the Commissioners to give time to consider the proposal of excluding a portion of the Municipal area?

(*c*) How far is the proposal mature, and in what stage is it at present?

(*d*) Are the Government considering the desirability of expediting the election?

Mr. C. S. DUTT: (*a*) and (*b*) Government have no information, but a proposal received from the Municipal Commissioners for the exclusion of certain villages from the Pirojpur municipality is before them.

(*c*) Preliminary Notification declaring Government's intention to give effect to the proposal of the Municipal Commissioners and inviting public criticism to it till 1st February, 1924, has been published in the *Calcutta Gazette*.

(*d*) The election will be held as soon as possible after the proposed exclusion is finally notified and the redistribution of wards is settled.

Deputation of a special officer to examine contingent expenditure.

*XVII. **Babu NALINIRANJAN SARKAR:** (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether it is a fact that a Special Officer has been deputed to examine contingent expenditure in the various departments with a view to retrenchment?

(*b*) If so, will the Hon'ble the Member be pleased to lay on the table a statement showing the savings effected, department by department?

(*c*) Will the Hon'ble the Member be pleased to state whether any irregularities have been noticed by the special officer?

(*d*) If so, what action has been taken to remedy them?

(*e*) Will the Hon'ble the Member be pleased to lay on the table a copy of the reports of the Special Officer?

(*f*) Will the Hon'ble the Member be pleased to state whether it is in the contemplation of the Government to have the contingent expenditure in the Secretariat departments examined by the Special Officer? If not, why not?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) The following savings have been recommended up to date by the Special Officer:—

		Rs.
Police Department	...	1,35,270
Medical Department	...	1,14,660
Education Department	...	72,000
Agriculture and Industries Department	...	60,330
Jails Department	...	42,400
Public Health Department	...	11,000
Registration Department	...	3,250
General Administration	...	1,560
Total	...	**4,40,470**

(*c*) Yes.

(*d*) Necessary action is being taken on each report.

(*e*) Government do not propose to make these reports public.

(*f*) Yes; the second part of the question does not arise.

Financial aid to the Calcutta University.

***XVIII. Babu MANMATHA NATH ROY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether it is proposed to make a contribution in the next budget to the Calcutta University to meet the present deficit amounting to Rs. 1,44,941?

(*b*) Will the Hon'ble the Minister be pleased to state whether it is in the contemplation of the Government to render financial assistance to the Calcutta University during the ensuing financial year 1924-25 for the development of teaching work and the construction of a suitable building on the Fish Market Site, for which the University applied by their letters Nos. G. 344 and 345, dated the 5th February, 1921, to the Secretary to the Government of Bengal, Education Department?

The Hon'ble Maulvi A. K. FAZL-UL HAQ: (*a*) The application of the University of Calcutta for a grant of Rs. 1,45,000 to pay off the estimated deficit on the 30th June, 1924, is under the consideration of Government.

(*b*) The University were informed by Government, in reply to the letters referred to in the question, of the reasons for their inability to comply with the prayers of the University for financial assistance. Government regret that they have to adhere to the replies then given.

Babu MANMATHA NATH ROY: May I inquire if there is any likelihood of the financial position improving in the near future?

The Hon'ble Maulvi A. K. FAZL-UL HAQ: I can no more answer this question than the hon'ble member himself. It is very difficult to foretell this.

Vocational education.

***XIX. Babu MANMATHA NATH ROY:** Will the Hon'ble the Minister in charge of the Department of Education be pleased to state what further action he now proposes to take and what allotment he proposes to make in the next budget on the lines of the recommendations contained in the Resolution on vocational education passed by the Council and accepted by the Government on the 23rd February, 1921?

The Hon'ble Maulvi A. K. FAZL-UL HAQ: The final report of the Dacca Technical and Vocational Education Committee, which was appointed in pursuance of the Resolution referred to, has just been received. Until its recommendations have been examined and approved by Government, budget provision cannot be made.

Boarding houses for depressed class students in Bakarganj, Faridpur, and Khulna.

***XX. Rai SATYENDRA NATH ROY CHAUDHURI Bahadur:** Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether Government contemplate earmarking a portion of money in the Education budget for the boarding houses of the students of depressed classes in the districts of Bakarganj, Faridpur and Khulna?

The Hon'ble Maulvi A. K. FAZL-UL HAQ: The answer is in the negative. No scheme for the construction of such boarding houses is ready for submission to Government.

Primary education.

***XXI. Mr. SYED M. MASIH:** (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether it is in the contemplation of the Government to bring forward any Bill in the near future with a view to introduce free and compulsory primary education throughout the province? If so, how soon?

(*b*) Will the Hon'ble the Minister be pleased to state whether any comprehensive scheme (showing initial and recurring expenses) was ever formulated by Government with a view to introducing free and compulsory primary education throughout the province?

(*c*) If so, will the Hon'ble the Minister be pleased to lay a copy of such scheme on the table?

The Hon'ble Maulvi A. K. FAZL-UL HAQ: (*a*) The answer to the question is in the negative. Sections 5—16 (Part III) of the Bengal Primary Education Act, 1919, deal with compulsory primary education and no fresh legal provision appears to be called for.

(*b*) The answer to this question is also in the negative. It will be seen from section 6 (*1*) of the Bengal Primary Education Act, 1919, that if after complying with the directions of the local Government under section 4 (relating to Voluntary Primary Education) the Commissioners of a municipality are of opinion that primary education should be made compulsory in that municipality, they may apply to Government for sanction to its introduction. No such application has yet been received; in fact very few municipalities have accepted the responsibility for providing Voluntary Primary Education though Government placed Mr. Biss on special duty to work up schemes and to induce the municipalities and union boards in this province to adopt them. Government have also offered to contribute half the expenditure of such schemes, both capital and recurring, but during the course of the last two years only 10 municipalities and 35 unions have undertaken to introduce Voluntary Primary Education.

(c) In view of the answer to the question above, this does not call for a reply.

Payments to thana and union board dispensaries.

*XXII. **Babu MANMATHA NATH ROY:** (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is in the contemplation of the Government to make payments in full to the thana and union board dispensaries during the current financial year in accordance with the circular issued in June, 1922, and for which a provision of Rs. 1,50,000 was made in the supplementary estimates of August, 1922, and again in the estimates of the current financial year?

(b) If not, when is this payment likely to be made?

Mr. C. S. DUTT: (a) In a circular issued in June, 1922, Government approved a scheme for the establishment of dispensaries at thana headquarters and in villages in pursuance of a resolution accepted in the Legislative Council. It was proposed to make grants-in-aid to the district boards towards the maintenance of 100 new thana dispensaries at Rs. 500 each and for 400 village dispensaries at Rs. 250 each for a period of 3 years. The intention was to distribute the grants-in-aid in the proportion of 4 thana and 16 village dispensaries in each district provided that district board concerned agreed to meet the whole of the capital cost and the balance of the recurring expenditure. Rs. 50,000 was accordingly provided in the supplementary budget of the year 1922-23 for the thana dispensaries and Rs. 1,00,000 for village dispensaries. On account of financial stringency Rs. 1,50,000 was, however, retrenched out of the total provision of Rs. 1,50,000 leaving a balance of Rs. 15,000 only valuable for grants-in-aid for the thana and rural dispensaries. The latter amount was distributed to the district boards which applied for the grants in terms of the Government circular.

(b) The question of providing the full amount next year is now under the consideration of Government in connection with the budget.

Receipts and expenditure from Calcutta Exhibition.

*XXIII. **Babu NALINIRANJAN SARKAR:** (a) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to give a rough estimate of receipts up to 15th January of the Calcutta Exhibition in gate money, stall rents for exhibits only, and rent from show-stalls separately and the expenditure for the same period?

(b) What portion of the receipts from the Calcutta Exhibition will be paid in charities and what appropriated by Government?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) The receipts are approximately—

		Rs.
Gate money	... ...	2,34,000
Stall rents for exhibits	... ...	1,23,000
Amusements stalls	... ...	3,500
Amusement Contractor	... ...	32,000

Other receipts are estimated to exceed a lakh of rupees.

The General Secretary of the Exhibition Committee says it is difficult now to estimate expenditure.

(*b*) The question will be taken up when the accounts are closed.

State Prisoners.

***XXIV. Mr. J. M. SEN GUPTA:** (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to lay on the table a statement giving the following information with reference to the persons arrested and detained in Bengal under Regulation III of 1818:—

(*i*) the names of the persons arrested;

(*ii*) the dates on which each of these persons was arrested;

(*iii*) the charges, if any, which were brought against each of these persons before arrest;

(*iv*) the allowances, if any, which have been granted to each of these persons;

(*v*) the place of detention of each of these persons; and

(*vi*) the present daily or monthly expenditure on each of these persons for food?

(*b*) Will the Hon'ble the Member be pleased to state—

(*i*) whether the said persons were charged with definite offences;

(*ii*) whether they were allowed sufficient opportunity to answer such charges in writing; and

(*iii*) whether these cases were placed before the Judges?

(*c*) Will the Hon'ble the Member be pleased to state whether the said persons or any of them were asked by the police if they were members of the Swarajya Party before arrest?

The Hon'ble Sir HUGH STEPHENSON: (*a*) (*i*) and (*ii*) A statement is laid on the table.

(*iii*) Charges have been put to all the prisoners. In the public interest, however, Government do not consider it desirable to publish them.

(*iv*) and (*v*) Government do not consider it desirable to publish this information.

(*vi*) Rupee one and annas four.

(*b*) (*i*) *Vide* answer to (*a*) (*iii*).

(*ii*) Yes.

(*iii*) With the exception of two of the prisoners who were arrested at the instance of the Government of India, the cases of all were placed before the Judges.

(*c*) The answer is in the negative.

Statement referred to in the reply to clauses (a) (i) and (ii) of starred question No. XXIV, showing the names, etc., of the State prisoners confined under Regulation III of 1818.

Name of State prisoner and date of arrest.

(1) Amrita Lal Sarkar—25th September, 1923.
(2) Rabindra Mohan Sen Gupta—25th September, 1923.
(3) Satish Chandra Pakrashi (Satish Bhattacharjya)—25th September, 1923.
(4) Man Mohan Bhattacharjya—25th September, 1923.
(5) Upendra Nath Banarji—25th September, 1923.
(6) Kali Prasad Banarji—26th September, 1923.
(7) Jiban Lal Chatarji—2nd October, 1923.
(8) Bhupati Mazumdar—25th September, 1923.
(9) Ramesh Chandra Datta Chaudhuri—25th September, 1923.
(10) Monoranjan Gupta—25th September, 1923.
(11) Muzaffar Ahmed—17th May, 1923.
(12) Jyotish Chandra Ghosh—25th September, 1923.
(13) Atindra Mohan Roy Chaudhuri—6th October, 1923.
(14) Nalini Nath Gupta—20th December, 1923.
(15) Bhupendra Kumar Dutta—25th September, 1923.
(16) Amarendra Nath Chatterjee—25th September, 1923.
(17) Jadu Gopal Mukherjee—25th September, 1923.

Mr. J. M. SEN GUPTA: May I know whether the prisoners were allowed to be present before the Judges?

The Hon'ble Sir HUGH STEPHENSON: No.

Mr. J. M. SEN GUPTA: Were the prisoners given any opportunity to make any statement before the Judges with regard to the charges brought against them?

The Hon'ble Sir HUGH STEPHENSON: Yes: They were allowed sufficient opportunity to answer such charges as were brought against them.

Rai HARENDRANATH CHAUDHURI: Were they present before the Judges?

Mr. PRESIDENT: I think we can reserve these questions for the subsequent debate.

Unstarred Questions

(answers to which were laid on the table).

Proposed new Howrah Bridge.

1. Babu KHAGENDRA NATH GANGULY: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to state—

(*i*) what decision the Government have come to on the report of the new Howrah Bridge (Finance) Committee; and

(*ii*) what disadvantages there will be if Sir Bradford Leslie's twin bridges of the floating type be adopted in preference to the cantilever bridge so as to reduce the cost of construction?

(*b*) Are the Government considering the desirability of having the question of the type of the bridge examined and discussed again in the light of the present estimate of costs?

(*c*) Are the Government also considering the desirability of locating the existing bridge on a site somewhere near Bandaghat at Salkia for the purpose of cart traffic only?

(*d*) With reference to the Notes of Dissent by Mr. C. C. Sinha, Chairman of the Howrah Municipality, and Mr. S. N. Mallik, Chairman of the Corporation of Calcutta, attached to the report of the Bridge (Finance) Committee, will the Hon'ble the Member be pleased to state whether the Government have come to any decision with regard to the imposition of a a bridge tax on Calcutta and the neighbouring municipalities and also on the Municipality of Howrah?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) and (*d*) The member is referred to the *communiqué* issued by Government and published in the Calcutta newspapers on the 27th October, 1923.

(*b*) and (*c*) The reply is in the negative.

Attendance of Chaukidars and Dafadars on duty outside Unions.

2. Babu TARAKNATH MUKERJEA: (*a*) Is the Hon'ble the Member in charge of the Police Department aware that the Chaukidars and Dafadars working under and entirely maintained by the Union Boards are occasionally requisitioned by the Police authorities without the knowledge of the said Union Boards?

(*b*) Is the Hon'ble the Member also aware that such absence of Chaukidars and Dafadars from their duties leave the Unions unprotected?

The Hon'ble Sir HUGH STEPHENSON: (*a*) The rules notified under section 101 of the Village Self-Government Act, 1919, prescribing the duties of Chaukidars contemplate their attendance on duty outside the Union at muster parades and when required to guard or escort a prisoner, and to assist the police in the execution of their duties in cases only of special urgency.

(*b*) Cases in which all Chaukidars are withdrawn from a Union on such duties, except the muster parade, are extremely rare, and no apprehension has been expressed on the ground that Unions are left unprotected in consequence.

Government control on Calcutta Tramways Co., Ltd.

3. Mr. SYED M. MASIH: Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state what control the Government exercises over the public utility service, "The Calcutta Tramways Company, Limited," in the town of Calcutta?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi): The Calcutta Tramways, within such portions of Calcutta as are subject to the authority of the Corporation of Calcutta, are governed by the following Acts:—

(*1*) The Calcutta Tramways Act, 1880;

(*2*) The Calcutta Tramways Act, 1894;

(*3*) The Calcutta Tramways (Electric Traction) Act, 1900, and the agreements referred to therein.

The portions of the tramways within Calcutta which are not subject to the authority of the Corporation of Calcutta, viz., those on certain parts of the Calcutta Maidan, are governed by the Calcutta Tramways (Amendment) Act, 1884.

Imposition of cesses of permanent tenures.

4. Babu SATYA KISHORE BANERJEE: (*a*) Is the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) aware that the imposition of cesses on holders of permanently-settled estates is considered by the zamindars as a direct violation of the pledges given by the Permanent Settlement?

(*b*) Will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of appointing a committee to consider the question of amendment of the Cess Act on this point? If not, why not?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) The Government is not aware of this fact.

(*b*) The question does not arise.

Boral river.

5. Babu SUDARSAN CHAKRAVORTY: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state—

(*i*) whether it is a fact that the mouth of the river Boral near the Police Training College at Sarda in the district of Rajshahi remains blocked during the dry seasons on account of large deposits of silt;

(*ii*) whether it is a fact that the said blocking up has proved injurious to navigation and sanitation of a large portion of the district of Rajshahi and Pabna;

(*iii*) whether the condition of the said river has attracted the attention of the Government; and

(*iv*) whether any survey has been made or any other preliminary steps taken in connection with it?

(*b*) Will the Hon'ble the Member be pleased to lay on the table copies of any records that may exist in connection with it?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) (*i*), (*ii*), and (*iii*) Yes

(*a*) No.

(*b*) The question does not arise.

Babu SUDARSAN CHAKRAVORTY: May I inquire if Government contemplate the doing of anything to prevent the injury to sanitation and navigation? If so, what?

The Hon'ble the Maharajadhiraja Bahadur of Burdwan: That question does not arise so far as the Irrigation Department is concerned.

Mr. PRESIDENT: Sudarsan Bahu, when you put your question, it is just as well that you should resume your seat until you have got a reply.

Irrigation measures in Hooghly district.

6. Babu TARAKNATH MUKERJEA: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what steps, if any, the Government are taking for organising irrigation measures in the district of Hooghly by improving the silted-up rivers of the district?

(*b*) Will the Hon'ble the Member be pleased to state whether there is any such scheme before the Government?

(*c*) If so, will the Hon'ble the Member be pleased to state the present position of the scheme?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*), (*b*) and (*c*) Government are not organizing any irrigation measures in the district of Hooghly, but a project for improving certain silted-up rivers in the district to facilitate drainage is now in hand and is expected to be completed shortly.

Financial aid to Calcutta University.

7. Babu SATYA KISHORE BANERJEE: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state what steps, if any, are being taken by Government to improve the financial condition of the Calcutta University?

The Hon'ble Maulvi A. K. FAZL-UL HAQ: The University of Calcutta have applied to Government for a grant of Rs. 1,45,000 to pay off the estimated deficit on 30th June, 1924. The application is under the consideration of Government.

Customs Preventive Service.

8. Mr. H. BARTON: (*a*) Is the Hon'ble the Member in charge of the Department of Finance aware of the growing disaffection amongst

the members of the Customs Preventive Service in regard to the diversion of posts in the Appraisers' grade to outside sources?

(*b*) What grounds, if any, are there for such diversion?

(*c*) Is it a fact that there are men in the Customs Service who have officiated for prolonged periods in these posts for which they were specially selected?

(*d*) Are the Government considering the desirability of taking steps to protect the claims of those men who are being displaced by outsiders?

The Hon'ble Mr. J. DONALD: (*a*) No. There has been no departure from the previous practice. The Preventive staff have no claim as of right or custom to be appointed as appraisers, who are selected from the most suitable men available.

(*b*) The question does not arise.

(*c*) Yes; there are at present several Preventive Officers who are officiating as appraisers in leave vacancies and whose claims to confirmation will be considered in due course.

(*d*) The question does not arise.

Bengal Tenancy Amendment Bill.

9. Khan Bahadur Maulvi Md. CHOINUDDIN: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state briefly what has been the history of the Bengal Tenancy Act Amendment Bill?

(*b*) At what stage is it now?

(*c*) When is it likely to be introduced in the Council?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) In a resolution passed on the 7th July, 1921, the Bengal Legislative Council recommended to Government the appointment of a Committee consisting of officials and non-officials to consider and report what amendments were needed to the Bengal Tenancy Act. Orders were passed appointing the Committee on the 20th August, 1921. The Committee submitted their report at the end of December, 1922. On the 3rd January, 1923, Government published the report and the draft Bengal Tenancy Amendment Bill of the Committee for opinion. The time for obtaining opinion was extended up to 1st July, 1923. Nearly 1,000 opinions have been received.

(*b*) The draft Bill of the Committee and the opinions are under consideration.

(*c*) No definite reply can be given at present.

Line staff of Calcutta Tramways Co., Ltd.

10. Mr. M. DAUD: Will the Hon'ble the Member in charge of the Department of Commerce be pleased to lay on the table a statement showing the number of conductors, drivers, and inspectors employed by the Tramways Company, Calcutta?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. J. Donald): Government have no information.

System of recruiting seamen.

11. Mr. M. DAUD: (*a*) Is the Hon'ble the Member in charge of the Marine Department aware that the Seamen's Recruitment Committee unanimously reported in March, 1922, that the present system of recruiting seamen through licensed brokers appointed under section 18 of the Merchant Shipping Act has resulted in abuses and recommended its complete abolition at an early date?

(*b*) If so, what steps have the local Government taken since then in this direction pending the orders on the Committee's recommendations by the Central Government?

(*c*) Is the Hon'ble the Member aware that the Indian Seamen's Union has been requesting the local Government to allow a representative of the Union to be deputed to the Shipping Office to look after the interests of the seamen?

(*d*) If so, are the Government considering the desirability of taking early steps to give every facility to the representative of the Union in the Shipping Office?

(*e*) Will the Hon'ble the Member be pleased to lay on the table copies of the opinions that have been submitted to the Government of India on the recommendations of the Seamen's Recruitment Committee's Report?

(*f*) Is the Hon'ble the Member aware that the Indian Seamen's Union since 1922 has been requesting the Government to expedite the enforcement of the Committee's Report?

(*g*) If so, what steps have the local Government taken in this direction?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) The local Government have forwarded their views to the Government of India.

(*c*) Yes.

(*d*) No.

(*e*) Government are not prepared to lay these opinions on the table.

(*f*) Yes.

(*g*) The Government of Bengal are awaiting the decision of the Government of India.

Saraswati river.

12. Babu TARAKNATH MUKERJEA: Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what steps, if any, have been taken for the improvement of the Saraswati river in the districts of Hooghly and Howrah since Government accepted the resolution, on the same subject moved in the last Council by Babu Satish Chandra Mukharji?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: A scheme is in course of preparation.

Bill to regulate and control Secondary Education.

13. Babu HEM CHANDRA NASKER: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether Government contemplate introducing at an early date a Bill for the creation of a Board of Secondary Education?

The Hon'ble Maulvi A. K. FAZL-UL HAQ: A Bill to provide for the regulation and control of secondary education is now under consideration. It is not possible at present to say when it will be introduced.

Official vote on matters relating to transferred subjects.

14. Babu SATYA KISHORE BANERJEE: (*a*) Is the Hon'ble the Member in charge of the Appointment Department aware that many non-official members of the Bengal Legislative Council are of opinion that official members should refrain from voting in the Council on matters relating to transferred subjects although they may take part in the discussions?

(*b*) Will the Hon'ble the Member be pleased to state whether the Government have issued any instructions that the official members of the Council should vote *en bloc*?

The Hon'ble Sir HUGH STEPHENSON: (*a*) There are several resolutions to this effect on the agenda of the Council.

(*b*) No instructions have been issued.

Judicial and Executive functions.

15. Babu SATYA KISHORE BANERJEE: Will the Hon'ble the Member in charge of the Appointment Department be pleased to state

what steps have been taken, up to date, to give effect to the separation of Judicial and Executive Services and functions?

The Hon'ble Sir HUGH STEPHENSON: A Special Officer is now working out the cost of a scheme which it is hoped to publish.

Retirement on age-limit.

16. Maulvi Md. NURUL HUQ CHAUDHURY: Will the Hon'ble the Member in charge of the Revenue Department be pleased to state how many persons (excluding menials and chaprasis) are due to retire on the question of age-limit in the year 1924 under—

(*a*) the Magistrate and Collector of each district,

(*b*) the Commissioner of each division,

(*c*) the Board of Revenue,

(*d*) the Chief Conservator of Forests, Bengal,

(*e*) the Conservator of Forests of each district,

(*f*) the Revenue Department of the Bengal Secretariat, and

(*g*) the Jails Department of the Bengal Secretariat?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The information is not readily available and its value is incommensurate with the trouble which would be involved in obtaining it.

Retirement on age-limit.

17. Maulvi Md. NURUL HUQ CHAUDHURY: Will the Hon'ble the Member in charge of the Marine Department be pleased to state how many persons (excluding the menials and chaprasis) are due to retire on account of age-limit during the year 1924 in the offices of the—

(*a*) Marine Department of the Bengal Secretariat, and

(*b*) Bengal Pilot Service?

The Hon'ble Mr. J. DONALD: (*a*) None.

(*b*) One Branch Pilot.

Sub-registry office at Madaripur in Rajshahi.

18. Khan Bahadur Maulvi Md. CHOINUDDIN: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether the new sub-registry office at village Madaripur in thana Tanor of the Rajshahi district, having jurisdiction over thanas Tanor and Bagmara of the Sadar subdivision and thanas Manda and Niamatpur of the Naogaon subdivision, was opened at the instance of the people of these thanas?

(*b*) Are the Government considering the desirability of closing i down in the interest of economy?

(*c*) Is the Hon'ble the Minister aware that the people of thanas Tano and Bagmara formerly attached to the Sadar sub-registry office do no consider Madaripur to be a convenient and suitable place for their sub registry office, while those of Manda and Niamatpur are averse to thes two thanas being severed from the jurisdiction of the Mahadebpur office

(*d*) Did the sub-registrar of Mahadebpur complain that his work wa heavier than what he could alone manage and did he on that accoun recommend a separation of thanas Nanda and Niamatpur from hi jurisdiction?

The Hon'ble Maulvi A. K. FAZL-UL HAQ: (*a*) The new sub-registry office at Madaripur was opened in consequence of a proposal made before the District Registrar by the people of Tanor for opening the office a Madaripur as a joint office to the Mahadebpur office. The transfer of Bagmara and Tanor from the jurisdiction of the Sadar office and of Manda and Niamatpur from the jurisdiction of Mahadebpur was made for administrative reasons.

(*b*) The office having been opened as an experimental measure for one year from 1st November, 1923, Government is not in a position to consider the desirability of closing down the office till the financial and other effects of the experiment have been ascertained.

(*c*) In July, 1920, the inhabitants of Tanor pressed for the opening of the Madaripur office. Objections have recently been received from the inhabitants of Manda and Niamatpur. No objection has been received from the inhabitants of Bagmara.

(*d*) No, but in 1920 the District Registrar of Rajshahi in reporting that the work at Mahadebpur was too heavy suggested that a joint office to Mahadebpur be opened at Madaripur with jurisdiction over Tanor and Mohanpur. In a further communication in May, 1921, the District Registrar reported that the opening of the office at Madaripur would be a great advantage to the inhabitants of thanas Tanor, Bagmara, Niamatpur and Manda.

Facilities to Muhammadans having concern in courts for juma prayers.

19. SHAH SYED EMDADUL HAQ: (*a*) With reference to the reply given to my unstarred question No. 75 of the 5th July, 1923, will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether any inquiry has since been made? If not, why not?

(*b*) If the answer is in the affirmative, will the Hon'ble the Member be pleased to state the decision arrived at on the result of the inquiry?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Necessary inquiry has been made.

(*b*) Copies of the instructions issued in the matter are laid on the table.

Instructions referred to in the reply to clause (b) of unstarred question No. 19.

No. 8288-83122J.

FROM J. BARTLEY, ESQ., I.C.S.,

Officiating Secretary to the Government of Bengal, Judicial Department,

To (1) All DISTRICT and SESSIONS JUDGES.

(2) The CHIEF JUDGE, SMALL CAUSES COURT, Calcutta.

(3) The CHIEF PRESIDENCY MAGISTRATE, Calcutta.

(4) The SUPERINTENDENT and REMEMBRANCER of LEGAL AFFAIRS, Bengal.

(5) The ADMINISTRATOR GENERAL and OFFICIAL TRUSTEE, Bengal.

Dated the 21st December, 1923.

Sir,

I am directed to refer (to the Appointment Department circular letter No. 3186-3211A., dated the 21st April, 1921) [to the endorsement No. 1423-26J., dated the 30th April, 1921], regarding the grant of leave on Friday to Muhammadan employees of Government to say their Juma prayers. It has been brought to the notice of Government by an interpellation in the Legislative Council, that litigants and other persons of the Muhammadan faith feel difficulty in attending the mosques to say their Juma prayers, as the instructions issued in the matter do not include them. Although enquiries made by Government in this behalf have brought to light no specific instance of hardship it is clear from the general trend of the reports received that it is desirable to issue definite instructions to ensure the enjoyment of similar facilities by all persons of the Muhammadan faith who have business with the Courts.

(for (1) only.)
[for (2)—(5) only.]

2. The Governor in Council accordingly directs that the instructions contained in the circular letter referred to above should be extended to Muhammadans of all classes having dealings with the Courts (*e.g.*, employees, litigants, witnesses, pleaders and muktears). An absence from duty for one hour and a half on Fridays normally between 12-30 and 2 P.M., should be permitted to them without the necessity for application for permission; and, where special circumstances indicate the necessity, as where the congregational mosque is at a distance from the Court, the time should be extended by the local officers, who should use their discretion in so adjusting the arrangements as to give full effect to the intention of Government that the Muhammadans employed in or having business in the Courts may have complete freedom for the performance of Juma prayers.

I have the honour to be,

Sir,

Your most obedient servant,

J. BARTLEY,

Secretary to Government, Judicial Department (Offg.).

GOVERNMENT OF BENGAL.

APPOINTMENT DEPARTMENT.

Appointment.

Nos. 2266-2270A.

FROM A. N. MOBERLY, ESQ., I.C.S.,

Officiating Chief Secretary to the Government of Ben...

TO THE (1) COMMISSIONER of the PRESIDENCY DIVISION.

(2) COMMISSIONER of the RAJSHAHI DIVISION.

(3) COMMISSIONER of the CHITTAGONG DIVISION.

(4) COMMISSIONER of the DACCA DIVISION.

(5) COMMISSIONER of the BURDWAN DIVISION.

Calcutta, the 17th January, 1924.

Sir,

I am directed to refer to the correspondence resting with your letter Nos. (1) 399 J.G., dated the 7th September 1923, (2) 3457 J., dated the 8th September, 1923, (3) 4063 G.—I-17, dated the 1st October, 1923, (4) 5200 J., dated the 11th October, 1923, and (5) 748 J G., dated the 22nd November, 1923, on the subject of facilities to Muhammadan litigants for attending prayers on Fridays, and to say that the instructions contained in letter Nos. 3196-3211 A., dated the 21st April, 1923, should be extended to Muhammadans of all classes having dealings with the Courts (*e.g.*, employees, litigants, witnesses, pleaders and mukteers). An absence from duty for one hour and a half on Fridays normally between 12-30 and 2 P.M., should be permitted to them without the necessity for application for permission; and where special circumstances indicate the necessity, as where the congregational mosque is at a distance from the Court, the time should be extended by the local officers, who should use their discretion in so adjusting the arrangements as to give full effect to the intention of Government that the Muhammadans employed or having business in the Courts may have complete freedom for the performance of Juma prayers.

2. I am to request that these orders may be communicated to all District and Subdivisional Officers in your division.

I have the honour to be,

Sir

Your most obedient servant,

A. N. MOBERLY,

Chief Secretary to the Government of Bengal (Offg.)

Nos. 2271-2284 A.

Copy forwarded to all Departments of this Government for information and for communication to the officers subordinate to them.

By order of the Governor in Council,

J. PRIDDIE,

Under Secretary to the Government of Bengal.

CALCUTTA,

The 17th January, 1924.

Accidents at the port of Chittagong.

20. Maulvi AMANAT KHAN: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to state whether he is aware that one Abdul Mazid, son of Mesherafali of Sonhara, Patiya, Chittagong, was drowned in the Karnafuli river while embarking on the S. S. " Chakdina " on the 24th December, 1923, due to the capsizing of a sampan near the steamer?

(*b*) Is the Hon'ble the Member aware that such accidents take place every year in regard to the steamers belonging to Messrs. Bulloch Brothers?

(*c*) If so, what steps have the Government taken to prevent this sort of accident happening in future?

(*d*) Are the Government considering the desirability of passing orders to compel Messrs. Bulloch Brothers & Co., Ltd. (Agents, the British India Steam Navigation Co., Ltd.), Chittagong, to land and embark passengers by taking their steamers alongside the Assam-Bengal Railway's jetty, unless and until they construct a jetty or pontoon for the purpose?

(*e*) Is the Hon'ble the Member aware that this is the practice adopted by Messrs. Turner Morrison & Co., Ltd., Chittagong?

The Hon'ble Mr. J. DONALD: (*a*) No such accident has been reported.

(*b*) No; Government are informed that no such accidents have been reported during the last three years.

(*c*) The question does not arise.

(*d*) No.

(*e*) Yes.

Government control over Calcutta Electric Supply Corporation and Bengal Telephone Company.

21. Mr. SYED M. MASIH: Will the Hon'ble the Member in charge of the Department of Commerce be pleased to state what control the

Government exercises over the following Public Utility Services in the town of Calcutta, namely:—

(*1*) The Calcutta Electric Supply Corporation, and

(*2*) The Bengal Telephone Company.

The Hon'ble Mr. J. DONALD: (*1*) The control of Government over the Calcutta Electric Supply Corporation is regulated by the provisions of the license granted to the Corporation and of the Indian Electricity Act and the rules issued thereunder, and is exercised through the Electric Inspector to the Government of Bengal.

(*2*) Control over the Bengal Telephone Company is exercised by the Government of India, by whom a license was granted to the Company under the Indian Telegraph Act, 1885.

Cases under Calcutta Rent Act.

22. Dr. H. W. B. MORENO: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to give a list of the number of cases tried at the Court of the Rent Controller, Calcutta, since the extension of the Calcutta Rent Act, from April, 1923, up to the end of December, 1923, and the number of cases for which standard rent has been fixed?

Mr. C. S. DUTT: Cases pending from the previous quarter—254; cases instituted from April, 1923, to the end of December 1923—423. Total 677.

Cases in which standard rent was fixed—450; cases dismissed, withdrawn, or otherwise disposed of—131. Total—581.

Results of elections to the Bengal Legislative Council.

23. Babu MONMOHAN NEOGI: Will the Hon'ble the Member in charge of the Appointment (Legislative) Department be pleased to lay on the table a statement for the last general election showing, district by district—

(*i*) the number of voters in the last Electoral Roll in each constituency of the Bengal Presidency;

(*ii*) the number of voters who have actually recorded their votes; and

(*iii*) the number of votes received by each of the successful candidates in each constituency with their names?

MEMBER in charge of APPOINTMENT [LEGISLATIVE] DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 23, showing detailed returns of the results of elections to the Legislative Council.

Nature and Name of constituency.	Members returnable.	Candidates nominated and the number of votes obtained by each.	Number of voters on the electoral roll.	Number of votes polled.	Name of member or members returned.	Majority of each person in column 6 over votes obtained by next person in the return of election.
1	2	3	4	5	6	7
Calcutta North (Non-Muhammadan).	1	Babu Jatindra Nath Basu—1,121 Mr. Krishna Lal Dutt—996 Babu Sashi Kumar Sen Gupta—808	5,429	2,975	Babu Jatindra Nath Basu ..	125
Calcutta North West (Non-Muhammadan).	1	Babu Satkaripati Roy—1,347 Mr. S. R. Das—291	4,118	1,654	Babu Satkaripati Roy	1,056
Calcutta East (Non-Muhammadan).	1	Dr. Pramatha Nath Banarji —1,339 Mr. Sita Nath Pal—728	4,128	2,114	Dr. Pramatha Nath Banarji	611
Calcutta North Central (Non-Muhammadan).	1	Rai Bahadur Dr. Haridhone Dutt—602 Babu Nirmal Chunder Chunder—1,347	4,122	1,972	Babu Nirmal Chunder Chunder.	745
Calcutta South Central (Non-Muhammadan).	1	Mr. Ashiny Coomar Banarji—606 Capt. J. N. Banarji—39 Mr. D. J. Cohen—593	2,227	1,264	Mr. Ashiny Coomar Banarji	13
Calcutta South Non-Muhammadan).	1	Mr. Surendra Nath Mallik	4,360	..	Mr. Surendra Nath Mallik ..	Returned unopposed.
Hooghly Municipal (Non-Muhammadan).	1	Rai Mahendra Chandra Mitra Bahadur—2,935 Babu Baroda Prosad Dey—3,193	9,729	6,183	Babu Baroda Prosad Dey ..	258
Howrah Municipal (Non-Muhammadan).	1	Babu Nitya Dhan Mukharji—7,742 Babu Khagendra Nath Ganguli—3,243	9,976	5,081	Babu Khagendra Nath Ganguli.	1,501
24-Parganas Municipal North (Non-Muhammadan).	1	Sir Surendra Nath Banarji—2,283 Dr. Bidham Chandra Roy—5,689	11,694	8,030	Dr. Bidhan Chandra Roy ..	3,406
24-Parganas Municipal South (Non-Muhammadan).	1	Babu Surendra Nath Roy—2,812 Babu Barendra Nath Mitra—30	13,373	2,857	Babu Surendra Nath Roy ..	2,782

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1	2	3	4	5	6	7
Dacca City (Non-Muhammadan).	1	Babu Dhirendra Chandra Roy—453 Babu Shyama Chand Basak—489 Rai Pyari Lal Das Bahadur—518 Babu Satis Chandra Sarkar—343	2,967	1,817	Rai Pyari Lal Das Bahadur .	29
Burdwan (Non-Muhammadan).	2	Babu Hemendra Nath Sen—2,824 Babu Annada Prosad Saha—1,919 Rai Amulya Charan Mitra Bahadur—2,729. Mr. Bijoy Prosad Singh Roy—3,180 Babu Bidhu Bhusan Chatterji—2,758 Raja Mani Lal Singh Roy—4,625 Babu Sarat Chandra Bose—5,558	32,808	11,796	Raja Mani Lal Singh Roy .. Babu Sarat Chandra Bose	1,445 933
Birbhum (Non-Muhammadan).	1	Rai Abinash Chandra Banarji Bahadur—2,215 Babu Abanish Chandra Roy—3,313 Raja Satya Niranjan Chakrabatti—2,905	17,964	8,585	Babu Abanish Chandra Roy.	408
Bankura West (Non-Muhammadan).	1	Babu Rishindra Nath Sarkar—321 Babu Anil Baran Roy—5,224	15,878	5,585	Babu Anil Baran Roy ..	4,903
Bankura East (Non-Muhammadan).	1	Mr. Ajoy Chandra Dutt—619 Babu Umesh Chandra Chatarji—3,321	11,656	3,982	Babu Umesh Chandra Chatarji	2,702
Midnapore North (Non-Muhammadan).	1	Babu Debendra Lal Khan	24,249	..	Babu Debendra Lal Khan.	Returned unopposed.
Midnapore South (Non-Muhammadan).	2	Mr. R. Maity—326 Babu Kshirod Narayan—128 Babu Mahendra Nath Maity—6,128 Babu Sarada Chandra Maity—819 Babu Sarat Chandra Mukharji—322 Baby Satkaripati Roy—32 Mr. Birendra Nath Sasmal—6,565	19,224	7,158	Babu Mahendra Nath Maity Mr. Birendra Nath Sasmal ..	5,305 441

Hooghly Rural (Non-Muhammadan).	1	Babu Tarak Nath Mukharji—8,909 Babu Hari Prasanna Sarkar—394 Babu Provat Chandra Giri—1,454 Babu Harendra Kumar Sarbadhikary—921	21,786	12,028	Babu Tarak Nath Mukharji	7,455
Howrah Rural (Non-Muhammadan).	1	Babu Manmatha Nath Roy—5,040 Rai Fanindra Lal Dey Bahadur—1,349	12,660	6,523	Babu Manmatha Nath Roy	3,691
24-Parganas Rural Central (Non-Muhammadan).	1	Babu Sasi Sekhar Basu—1,459 Babu Hem Chandra Nasker—2,868 Babu Sridhar Chandra Roy—389	8,600	4,831	Babu Hem Chandra Nasker	1,409
24-Parganas Rural South (Non-Muhammadan).	1	Babu Anukul Chandra Das—1,104 Mr. Birendra Nath Sasmal—4,675 Mr. Dhirendran Ch. Ghosh—799	11,458	6,670	Mr. Birendra Nath Sasmal	3,571
24-Parganas Rural North (Non-Muhammadan.)	1	Rai Harendra Nath Chaudhuri	7,937	..	Rai Harendra Nath Chaudhuri	Returned unopposed.
Nadia (Non-Muhammadan).	1	Babu Kshitish Chandra Mukharji—343 Babu Becharam Lahiri—77 Babu Manmatha Nath Pal Chaudhuri—2,605 Babu Hemanta Kumar Sarkar—4,729 Babu Tarakeswar Pal Chaudhuri—36	21,125	7,853	Babu Hemanta Kumar Sarkar	2,124
Murshidabad (Non-Muhammadan).	1	Maharaj Kumar Srish Chandra Nandi	15,974	..	Maharaj Kumar Srish Chandra Nandi.	Returned unopposed.
Jessore South (Non-Muhammadan).	1	Babu Debendra Nath Biswas—949 Rai Jadu Nath Mazumdar Bahadur, C.I.E.—1,148. Mr. Nalini Nath Roy—3,144 Babu Harabilas Sikdar—36.	9,879	5,414	Mr. Nalini Nath Roy	2,001
Jessore North (Non-Muhammadan).	1	Babu Suresh Chandra Adhikari—567 Rai Jadu Nath Mazumdar Bahadur, C.I.E.—992. Mr. Dhirendra Nath Roy—3,775.	10,675	5,439	Mr. Dhirendra Nath Roy	2,783
Khulna (Non-Muhammadan).	1	Mr. Subodh Kumar Dey—2,303 Babu Mukunda Behari Mallik—2,149 Babu Sailaja Nath Roy Chaudhuri—5,172.	21,403	9,732	Babu Sailaja Nath Roy Chaudhuri.	2,867
Dacca Rural (Non-Muhammadan).	1	Mr. Kiran Sankar Roy Chaudhuri—4,547. Mr. Jogendra Nath Roy—922.	19,705	5,524	Mr. Kiran Sankar Roy Chaudhuri.	3,595

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Mymensingh West (Non-Muhammadan).	1	Babu Monmohan Neogi—3,521 Raja Manmatha Nath Roy Chaudhuri 1,504.	10,457	5,060	Babu Monmohan Neogi	2,017
Mymensingh East (Non-Muhammadan.)	1	Mr. Sudhangsu Mohan Bose—3,039 Babu Nalini Ranjan Sarkar—7,614	19,043	10,746	Babu Nalini Ranjan Sarkar	4,575
Faridpur North (Non-Muhammadan).	1	Dr. Jatindra Nath Maitra—880 Babu Braja Mohan Mandal—1356 Babu Hemanta Kumar Mukharji—220 Dr. Kumud Sankar Roy Chaudhuri—2,508. Babu Purna Chandra Maitra—607	12,143	5,597	Babu Kumud Sankar Roy Chaudhuri.	1,152
Faridpur South (Non-Muhammadan).	1	Babu Asitaranjan Ghosh—517 Babu Bhishma Deb Das—1,716 Babu Mukunda Behari Mallick—376 Babu Mohini Mohan Das—3,117 Mr. Bijay Chandra Chatarji—441	14,273	5,260	Babu Mohini Mohan Das	410
Bakarganj North (Non-Muhammadan).	1	Babu Keshab Chandra Das—662 Mr. Nisith Chandra Sen—2,626 Dr. Akhil Chandra Dutt—859	12,266	4,164	Mr. Nisith Chandra Sen	1,767
Bakarganj South (Non-Muhammadan).	1	Babu Nirod Bihari Mallik—2,330 Rai Satyendra Nath Roy Chaudhuri Bahadur—3,177 Babu Kamini Kumar Samaddar—11	11,862	5,565	Rai Satyendra Nath Roy Chaudhuri Bahadur.	847
Chittagong (Non-Muhammadan).	1	Babu Annada Charan Dutt—548 Mr. Jatindra Mohan Sen Gupta—5,092	12,093	5,813	Mr. Jatindra Mohan Sen Gupta.	4,544
Tippera (Non-Muhammadan).	1	Babu Akhil Chandra Dutt—4,408 Babu Indu Bhusan Dutt—2,700 Babu Rajani Kanta Das—558	11,427	7,725	Babu Akhil Ch. Dutt ..	1,708
Noakhali (Non-Muhammadan).	1	Babu Jadu Nath Gupta—227 Mr. Satyendra Chandra Mitra—2,178	8,039	2,428	Mr. Satyendra Chandra Mitra	1,951
Rajshahi (Non-Muhammadan).	1	Babu Kishori Mohan Chaudhuri—1,781 Babu Sudarsan Chakrabatti—2,922	8,981	4,738	Babu Sudarsan Chakrabatti	1,141

Dinajpur (Non-Muhammadan).	1	Babu Jogindra Chandra Chakrabutti—5,534. Babu Premhari Barma—2,857 Babu Tanka Nath Chaudhuri—755	23,036	9,212	Babu Jogindra Chandra Chakrabutti.	2,677
Rangpur (Non-Muhammadan).	2	Babu Khetra Nath Singh—867 Babu Jogesh Chandra Sarkar—1,148 Rai Sahib Panchanan Barma—3,145 Babu Nagendra Narayan Roy—1,904 Babu Bijay Kumar Ray Chaudhuri—1,679	24,114	4,400	Rai Sahib Panchanan Barma Babu Nagendra Narayan Roy	1,466 225
Bogra cum Pabna (Non-Muhammadan).	1	Mr. J. Chaudhuri—467 Babu Radhika Bhusan Roy—3,119 Dr. J. M. Das Gupta—3,796. Babu Jogesh Chandra Bhaumik—135	13,653	7,580	Dr. J. M. Das Gupta	677
Malda (Non-Muhammadan).	1	Babu Krishna Jiban Sanyal—368 Babu Tarini Das Roy—1,057 Babu Ramesh Chandra Bagchi—1,479 Babu Saileswar Bhattacharji—261 Kumar Santisekhoreswar Roy—1,003 Babu Kaliprosanna Saha—212	8,882	4,453	Babu Ramesh Chandra Bagchi	422
Jalpaiguri (Non-Muhammadan).	1	Rai Kalipada Banarji Bahadur—519 Mr. Prasannadeb Raikut—2,800 Babu Purna Chandra Mitter—210	12,541	3,605	Mr. Prasannadeb Raikut	2,281
Calcutta North (Muhammadan).	1	Mr. Ahmed Muhammad Parukh—64 Mr. Razaur Rahman Khan—136 Mr. S. Mahboob Aley—463	1,566	678	Mr. S. Mahboob Aley	327
Calcutta South (Muhammadan).	1	Mr. A. K. Fazlul Haque—3 Mr. Atul Haque—300. Mr. H. S. Suhrawardy—393.	1,515	722	Mr. H. S. Suhrawardy	93
Hooghly cum Howrah Municipal (Muhammadan).	1	Major Hassan Suhrawardy—1,320 Khan Sahib Gholam Rabbani—299	2,995	1,646	Major Hassan Suhrawardy	1,021
Barrackpore Municipal (Muhammadan).	1	Maulvi Abdul Ghunny Mallik—205 Maulvi Muhammad Habibullah—263 Maulvi Wahed Hossain—1,093	2,994	1,585	Maulvi Wahed Hossain	830
24-Parganas Municipal (Muhammadan).	1	Khan Bahadur Mirza Shujaat Ali Beg—911 Maulvi Mahbubul Haq—936.	4,520	1,895	Maulvi Mahbubul Haq	25
Dacca City (Muhammadan).	1	Nawabzada Khan Bahadur Khaja Muhammad Afzal—691 Maulvi Allabux Sarkar—807	2,633	1,518	Maulvi Allabux Sarkar	116

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Burdwan Division North (Muhammadan).	1	Maulvi Muhammad Yasin—4,005 Maulvi Abul Kasim—2,375	15,249	6,475	Maulvi Muhammad Yasin ..	1,630
Burdwan Division South (Muhammadan).	1	Maulvi Zannoor Ahmed—1,493 Mahmud Suhrawardy—1,490	10,910	3,028	Maulvi Zannoor Ahmed ..	3
24-Parganas Rural (Muhammadan).	1	Maulvi Syed Nasim Ali	13,575	..	Maulvi Syed Nasim Ali ..	Returned unopposed.
Nadia (Muhammadan).	1	Mr. Syed Erfan Ali—1,298 Maulvi Aftab Hossain Joardar—2,086 Maulvi Azizul Haque—1,531	16,258	4,952	Maulvi Aftab Hossain Joardar	555
Murshidabad (Muhammadan).	1	Maulvi Abdus Samad *alias* Bara Maulvi Sahib—1,711 Maulvi Saiyid Sadeq Reza—1,603 Maulvi Ekramul Haq—1,848	11,133	5,198	Maulvi Ekramul Haq ..	137
Jessore North (Muhammadan).	1	Khan Bahadur Abdus Salam—977 Maulvi Rafiuddin Ahmad—1,015	7,755	2,102	Maulvi Rafiuddin Ahmad	38
Jessore South (Muhammadan).	1	Maulvi Muhammad Abdul Quadir —1,918 Maulvi Matiar Rahman Biswas—535 Maulvi Saiyid Nausher Ali—1,393	17,385	3,983	Maulvi Muhammad Abdul Quadir.	525
Khulna (Muhammadan).	1	Major Hassan Suhrawardy—1,340 Maulvi Syed Sultan Ali—3,279	16,279	4,663	Maulvi Syed Sultan Ali	1,939
Dacca West Rural (Muhammadan).	1	The Hon'ble Nawab Syed Nawab Ali Chaudhuri, Khan Bahadur—1,104 Maulvi Naimuddin Ahmad—385 Maulvi Abdul Gani Chaudhuri—408 Major Hassan Suhrawardy—4 Maulvi Shamsuddin—323 .	5,661	2,264	The Hon'ble Nawab Syed Nawab Ali Chaudhuri Khan Bahadur.	686
Dacca East Rural (Muhammadan).	1	Khan Bahadur Qazi Zahirul Huq— —2,129 Maulvi Abdul Siddiq—739	12,768	2,897	Khan Bahadur Qazi Zahirul Huq.	1,390

Mymensingh West (Muhammadan).	2	Maulvi Habibur Rahman—2,824 The Hon'ble Nawab Syed Nawab Ali Chaudhuri Khan Bahadur—2,734 Khondkar Aramuddin—1,873 Khosh Mahmud Chaudhuri—3,016 Maulvi Sharifuddin Sarkar—289 Maulvi Abdul Jabbar Pahlowan—3,168 Maulvi A. K. Abu Ahmad Khan Ghuznavi—4,561.	19,283	2,965	Maulvi A. K. A. Ghuznavi Maulvi Abdul Jabber Pahlowan.	1,545 152
Mymensingh East (Muhammadan).	2	The Hon'ble Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur—3,427 Maulvi Abdul Hakim Muktear—3,025 Maulvi Taabuddin Ahmed—4,123 Maulvi Shah Abdul Hamid—1,523 Maulvi Abdul Jabbar Pahlowan—906	32,035	6,533	The Hon'ble Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur. Maulvi Taabuddin Ahmed ..	402 696
Faridpur North (Muhammadan).	1	Maulvi Saiyid Muhammad Masih—2,968 Khan Bahadur Rahamatjan Chaudhuri—1,669 Khondkar Abdul Aziz—1,187	15,423	5,864	Maulvi Saiyid Muhammad Masih.	2,968
Faridpur South (Muhammadan).	1	Maulvi Meshbauddin Ahmad—1,008 Maulvi Hassenudin Bhuiya—12 Maulvi Abdur Rob Chaudhuri—2,365	12,623	3,416	Maulvi Abdur Rob Chaudhuri	2,365
Bakarganj North (Muhammadan).	1	Maulvi Chaudhuri Fazlul Karim—2,732 Maulvi Lutfar Ali—908 Maulvi Rahim Bux Salem—558	12,681	4,254	Maulvi Chaudhuri Fazlul Karim.	1,824
Bakarganj West (Muhammadan).	1	Maulvi A. K. Fuzlul Huq	20,646	..	Maulvi A. K. Fazlul Huq	Returned unopposed.
Bakarganj South (Muhammadan).	1	Khwaja Nazimuddin—2,976 Mr. Afarzuddin Ahmed—697 Mr. Fazlul Karim—824	13,778	4,516	Khwaja Nazimuddin.	2,152
Chittagong (Muhammadan).	2	Maulvi Syed Mogbil Husain—1,695 Maulvi Muhammad Nurul Haq Chaudhuri—5,601 Maulvi Anwarul Azim—2,372 Maulvi A. K. M. Abdul Hye Chaudhuri—714 Maulvi Amanat Khan—3,643	25,173	7,012	Maulvi Muhammad Nurul Haq Chaudhuri. Maulvi Amanat Khan ..	3,229 1,271

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Tippera (Muhammadan).	2	Syed Intisham Hyder Chaudhuri—2,174. Maulvi Abdul Ghani Chaudhuri—422 Kazi Gholum Mahiuddin Faroqui—2,568.	17,109	8,745		
					Shah Syed Emdadul Haq	2,946
Noakhali (Muhammadan).	2	Shah Syed Emdadul Haq —7,260 Syed Fazlur Rahman—752 Maulvi Asimuddin Ahmad—4,314 Khan Sahib Abdul Aziz—1,276	19,418	8,088	Maulvi Asimuddin Ahmad	1,746
					Mr. Abdur Rasid Khan	1,767
Rajshahi South (Muhammadan).	1	Mr. Abdul Rasid Khan—7,190 Mr. Nurul Haq Chaudhuri—1,214 Mr. Serajuddin Ahmad Chaudhuri—693 Mr. Sayadul Haq—5,423 Khan Bahadur Emaduddin Ahmad—1,499	8,436	4,120	Mr. Sayadul Haq	4,147
					Sardar Haji Lal Muhammad	333
Rajshahi North (Muhammadan).	1	Sardar Haji Lal Muhammad—1,832 Sardar Muhammad Ahiruddin—753 Khan Chaudhuri Muhammad Ashraf Ali—2,667.	12,643	5,969		
					Khan Bahadur Muhammad Choinuddin	602
Dinajpur (Muhammadan).	1	Khan Bahadur Muhammad Choinuddin—3,269. Maulvi Yaquinuddin Ahmad—190 Maulvi Kader Baksh—4,375 Munshi Mafizuddin Chaudhuri—1,304	25,978	5,929	Maulvi Kader Buksh	3,071
Rangpur West (Muhammadan).	1	Maulvi Shah Abdur Rauf—633 Maulvi Muhammad Ashrafuddin—520 Maulvi Bashar Muhammad—790	20,871	1,974	Maulvi Bashar Muhammad	157
Rangpur East (Muhammadan).	1	Maulvi Mahiuddin Khan	19,649	..	Maulvi Mahiuddin Khan ..	Returned uncontested.
Pabna (Muhammadan).	1	Maulvi Abdul Ghafur—2,069 Khan Bahadur Wasimuddin Ahmad—1,857. Maulvi Syed Akbar Ali—19.	12,700	4,003	Maulvi Abdul Ghafur ..	212

Bogra (Muhammadan).	1	Mr. Altaf Ali—2,044 Khan Bahadur Hafizur Raman Chaudhuri—699. Maulvi Rajibuddin Tarafdar—3,262 Khan Sahib Saiyid Reazuddin Kazi—601.	15,042	6,726	Maulvi Rajibuddin Tarafdar	1,218
Malda cum Jalpaiguri (Muhammadan).	1	Shah Muhammad Chaudhuri—488 Khan Bahadur Musharraf Hussain—2,296. Maulvi Abdul Gani—277 Mr. K. Ahmed—1,103 Saiyid Monir Ahmad Chaudhuri—1,283	16,702	5,535	Khan Bahadur Musharraf Hussain.	1,013
Presidency and Burdwan (European).	3	Mr. E. Villiers Mr. J. Campbell Forrester. Mr. J. A. Jones.	7,749	..	Mr. E. Villiers .. .. Mr. J. Campbell Forrester .. Mr. J. A. Jones ..	Returned unopposed. Ditto. Ditto.
Dacca and Chittagong (European).	1	Mr. J. A. Delisle	294	..	Mr. J. A. Delisle ..	Returned unopposed.
Rajshahi (European)	1	Mr. W. L. Travers	445	..	Mr. W. L. Travers	Returned unopposed.
Anglo-Indian ..	2	Mr. H. Barton Mr. H. W. B. Moreno.	4,235	..	Mr. H. Barton .. .. Mr. H. W. B. Moreno ..	Returned unopposed. Ditto.
Burdwan Landholders	1	Babu Satya Kishore Banarji—48 Rai Lalit Mohan Singh Roy Bahadur—38	96	87	Babu Satya Kishore Banarji	10
Presidency Landholders.	1	The Hon'ble Mr. P. C. Mitter—91 Rai Jatindra Nath Chaudhuri—21	139	114	The Hon'ble Mr. P. C. Mitter	70
Dacca Landholders	1	Babu Brojendra Kishore Roy Chaudhuri.	233	..	Babu Brojendra Kishore Roy Chaudhuri.	Returned unopposed.
Chittagong Landholders.	1	Rai Upendra Lal Roy Bahadur—25 Khan Saheb Abdur Rahman Dobash Kumar Arun Chandra Sinha—30 Babu Lal Mohan Saha Chaudhuri—29	95	84	Kumar Arun Chandra Sinha	1
Rajshahi Landholders.	1	Kumar Shib Shekhareswar Ray—89 Babu Birendra Nath Roy—94	222	173	Kumar Shib Shekhareswar Roy	15
Calcutta University.	1	Rai Jogendra Chandra Ghosh Bahadur—676 Sir Nil Ratan Sarkar—1,852 Babu Deba Prosad Ghosh—691 Babu Bijoy Krishna Bose—2,089 Babu Prasanna Kumar Roy—74	7,250	5,461	Babu Bijoy Krishna Bose ..	237

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Dacca University ..	1	Dr. Naresh Ch. Sen Gupta—160 Mr. A. Fazlul Rahman—226 Dr. A. Suhrawardy—83 Babu Priya Nath Sen—170 Babu Sarat Chandra Chakrabatti—Nil	733	670	Mr. A. F. Rahman ..	56
Bengal Chamber of Commerce.	6	Mr. J. W. A. Bell	213		Mr. J. W. A. Bell ..	Returned unopposed.
		Mr. A. d'A. Willis			Mr. A. d'A. Willis ..	Ditto.
		Mr. A. M. Clark*			Mr. A. M. Clark ..	Ditto.
		Mr. J. Y. Phillip			Mr. J. Y. Phillip ..	Ditto.
		Mr. A. Cochran			Mr. A. Cochran	Ditto.
		Mr. R. B. Wilson			Mr. R. B. Wilson ..	Ditto.
Indian Jute Mills Association.	2	Mr. G. F. Rose	50		Mr. G. F. Rose ..	Returned unopposed.
		Mr. C. G. Cooper			Mr. C. G. Cooper ..	Ditto.
Indian Tea Association.	1	Mr. T. C. Crawford	355		Mr. T. C. Crawford ..	Returned unopposed.
Indian Mining Association.	1	Mr. Woomesh Ch. Banarji—22 Mr. W. L. Carey—111	148	135	Mr. W. L. Carey ..	89
Calcutta Trades Association.	1	Mr. J. Cottle	68		Mr. J. Cottle	Returned unopposed.
Bengal National Chamber of Commerce.	2	Babu Amulya Dhan Addy—56 Mr. Byomkesh Chakrabatti—110 Raja Reshee Case Law—89 Babu Muralidhar Roy—72	180	172	Mr. Byomkesh Chakrabatti Raja Reshee Case Law	21 17
Bengal Marwari Association.	1	Babu Badridas Geonka (Election on the first occasion failed)	156	..	Babu Badridas Geonka	Returned unopposed.
Bengal Mahajan Sabha.	1	Babu Raimohan Rai Chaudhuri—3 Mr. Tarit Bhusan Roy—119	205	..	Mr. Tarit Bhusan Roy	116

* Since resigned—Sir George Godfrey has been elected in his place.

Anti-malarial schemes in Burdwan division.

24. Babu SATYA KISHORE BANERJEE: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what progress has been made in the work of the anti-malarial irrigation and drainage schemes in the Burdwan division?

(*b*) Will the Hon'ble the Member be pleased to state—

(*i*) what steps have been taken, up to date, to work out the Saraswati project;

(*ii*) how far has the Ghea project advanced; and

(*iii*) what steps, if any, are being taken to complete the Ghea project?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) The irrigation and drainage schemes in Burdwan division are at a stand-still until the district boards concerned decide to go on with them under the provisions of Act VI of 1920.

(*b*) These projects are in course of investigation and preparation.

Prosecutions against factory employers.

25. Mr. M. DAUD: Will the Hon'ble the Member in charge of the Department of Commerce be pleased to lay on the table a statement showing the number of prosecutions made against employers in Bengal during the years 1921 to 1923 under the "Factories Act" together with the results of such prosecutions?

The Hon'ble Mr. J. DONALD: The information desired will be found in the annual reports on the working of the Indian Factories Act.

Id-ul-fitr holidays.

26. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether Government has received the report of the Committee appointed to inquire about the increase of the Id-ul-fitr holidays as recommended in my resolution moved in the last July session?

(*b*) If so, will the Hon'ble the Member be pleased to lay a copy of the report on the table?

(*c*) What action, if any, have the Government taken in the matter?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) The report of the Committee was as follows:—

"The Committee considered the resolution passed in the Council, and they resolved that, as the number of Mussalman holidays is so small

and so essentially necessary for the proper observance of the festivals, there is no possibility of curtailing the number of days allotted to any particular festival and that it is far less possible to recommend the abolition of any holidays already allotted.

Shah Syed Emdadul Haq is of opinion that it may be possible to diminish, by one day, the holidays for the Mohurrum, but he also thinks that such a course would be resented by the Shia community."

(*c*) No action was called for, as the Committee came to the conclusion that it would not be practicable to increase the holidays by the methods suggested.

Sadar Sub-Registrars.

27. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether it is in the contemplation of the Government to style the Sadar Sub-Registrars as Deputy Registrars?

(*b*) Is it a fact that the Sadar Sub-Registrar in a district has to perform all the functions of the Registrar under the powers delegated to him?

(*c*) Is the Hon'ble the Minister aware—

(*i*) that Sub-Deputy Magistrates were formerly non-gazetted officers; and

(*ii*) that the scale of their pay has been increased?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble the Minister be pleased to state whether the scale of pay of Sadar Sub-Registrars has been put on a level with the pay of a Sub-Deputy Magistrate? If not, why not?

(*e*) Are the Government considering the desirability of increasing the pay of Sadar Sub-Registrars so as to make it level with that of a Sub-Deputy Magistrate at least?

The Hon'ble Maulvi A. K. FAZL-UL HAQ: (*a*) No.

(*b*) Under Government notification No. 1201 Mis., dated the 26th June, 1923, all Sub-Registrars in charge of Sadar Registration Offices have been authorised to exercise and perform, in addition to their own powers and duties, all the powers and duties of the Registrar except the powers of supervision and control conferred upon the Registrar under section 68 of the Indian Registration Act, 1908.

(*c*) (*i*) and (*ii*) Yes.

(*d*) No. Government have fixed scales of pay for the officers of the two services after consideration of the qualifications required of them and of the duties and responsibilities which fall upon them.

(c) No such proposal is under the consideration of Government. The pay of Sadar Sub-Registrars has only recently undergone revision.

Calcutta University Bill.

28. Babu HEM CHANDRA NASKER: (a) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state when the Bill for the amendment of the Acts relating to the Calcutta University will be introduced?

(b) Will the Hon'ble the Minister be pleased to state the reasons why the Bill was not introduced before?

The Hon'ble Maulvi A. K. FAZL-UL HAQ: (a) and (b) A Bill for the amendment of the law relating to the Calcutta University was drafted by this Government and forwarded to the Government of India for sanction to its introduction in the local legislature. It was the intention of the local Government to introduce the Bill in the last July session of the Council. Some points of difference, however, arose between the local Government on the one hand and the Government of Assam and the University on the other, with regard to the principles of the Bill, and it was thought expedient to convene a conference of the representatives of the parties concerned to discuss those points and to attempt to arrive at an agreed basis for legislation. It is not possible at present to say when a revised Bill will be introduced in Council, but every attempt will be made to introduce it as early as practicable.

Recommendations of Retrenchment Committee.

29. Babu SATYA KISHORE BANERJEE: Will the Hon'ble the Member in charge of the Department of Finance be pleased to state what steps, if any, have been taken to give effect to the recommendations of the Retrenchment Committee?

The Hon'ble Mr. J. DONALD: The member is referred to the statement which was circulated to all members of the Legislative Council in August, 1923, and a copy of which is in the Council Library. That statement is being brought up to date and when the information has been collected, a supplementary statement will be circulated to all members of the Council.

Sweepstakes in connection with racing events.

30. Mr. H. BARTON: (a) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether he is aware that

sweepstakes in connection with certain racing events are conducted by the following Clubs:—

The Royal Calcutta Turf Club, the Albert Club, the Calcutta Club, the Tollygunge Club, the Tattersal Club, the Xaverian Club, the Dalhousie Club, the Rangers Club, the Delta Club and, in connection with the Calcutta Exhibition, by the Committee of that Exhibition in respect of a public raffle widely advertised offering valuable prizes to the winners?

(*b*) With reference to the answer given on the 21st November, 1922, to my unstarred question No. 61, will the Hon'ble the Member be pleased to state whether such Clubs are afforded protection against the operation of section 294A of the Indian Penal Code?

(*c*) If the answer to clause (*b*) is in the negative will the Hon'ble the Member be pleased to state the reasons why those clubs are not proceeded against?

(*d*) If the answer to (*b*) is in the affirmative, will the Hon'ble the Member be pleased to state the conditions, if any, that are required to be met by other Clubs desirous of conducting similar sweeps?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Government have no official information but it is believed that the facts are as stated.

(*b*) No.

(*c*) Proceedings can only be instituted on complaint made by order of, or under authority from, the Governor-General in Council, the local Government, or some officer empowered by the Governor-General in Council in this behalf and no such complaint has been made.

(*d*) *Bona fide* Club Sweepstakes are a form of social amusement in which Government has acquiesced for many years, so long as the issue of tickets is limited to Members, and the proceedings are not open to any suspicion of abuse.

Steps towards provincial autonomy.

31. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge of the Appointment Department be pleased to state what recommendations for immediate advances towards the transference of more subjects from the Reserved to the Transferred list and to secure real provincial autonomy within the machinery of the present Government of India Act are in the contemplation of Government?

The Hon'ble Sir HUGH STEPHENSON: This Government does not contemplate addressing the Government of India on the subject.

Proportion of Muhammadans in Government service.

22. Khan Bahadur Maulvi Md. CHOINUDDIN: Will the Hon'ble the Member in charge of the Appointment Department be pleased to state—

(*i*) when and under what circumstances the ratio of one-third of the total appointments under the Government was fixed for the Muhammadans; and

(*ii*) whether the percentage of educated persons among the Muhammadans has increased more than before in proportion of those among the Hindus?

The Hon'ble Sir HUGH STEPHENSON: (*i*) The principle of ensuring to Muhammadans a proportion of public appointments had long been accepted by Government. In consequence of a question in Council in March, 1913, Government again examined the question and accepted the definite ratio of one-third to be worked up to and the orders were issued in 1914.

(*ii*) The following figures show the number of literate persons per mille in 1911 and 1921:—

	Hindus.		Muhammadans.	
Year.	Male.	Female.	Male.	Female.
1911 ..	210	20	79	2
1921 ..	268	36	109	6

Motion for Amendment of the Standing Orders.

Shah Syed Emdadul Haq moved—

(*1*) "that the second proviso to Standing Order 12 [section 24] be omitted"; and

(*2*) "that the second proviso to Standing Order 63 [section 70] be omitted."

He addressed the Council in Bengali. The translation of his speech is as follows:—

Originally there was no restriction of questions and resolutions notices of which were given in Council, and at the present moment there is no such standing order in any Legislative Council in India excepting in Bengal. Sir, it is a matter of great regret that in Bengal such a weird procedure should obtain in the Legislative Council. Objection has been taken that the greater number of questions and resolutions entail greater expenditure of the public money and considerable amount of labour is involved in answering questions and dealing with resolutions which is not commensurate with the value of the information

supplied or effect of resolutions given. I have no objection if questions of a foolish character are disallowed. I have no objection if resolutions of a rigmarole nature are not admitted. Personally it is not my intention to pester the Government with unnecessary questions—questions which have no intrinsic value. But it often happens that in a particular session a very limited number of questions are put and it also happens that in some session notices of a large number of questions are to be given. It all depends upon the nature of the information sought for. You cannot restrict the liberty of the member in this respect.

Mr. PRESIDENT: Is there any objection to leave being given?

Mr. S. C. MUKERJI: I object to leave being given.

Mr. PRESIDENT: Will those who support the motion of Shah Syed Emdadul Haq that leave be given kindly rise in their seats?

The requisite number of members having risen, the motion was referred to the Select Committee in accordance with section 100, Standing Order No. 61.

NON-OFFICIAL MEMBER'S BILL.

The Calcutta Rent (Amendment) Bill, 1924.

Dr. H. W. B. MORENO: I move for leave to introduce a Bill further to amend the Calcutta Rent Act, 1920.

It is with great pleasure that I introduce this Bill. It is a measure which affects Europeans, Anglo-Indians, and Indians alike. I rejoice to think that a measure of this kind has come before this Council; it equally affects each and all of us. I trust that any voting for the introduction of this Bill will have a successful issue, because of the fact that it vitally affects each one of us.

So far as the old Act was concerned, we were told by the Government that the Act would extend up to the 31st March 1924, and after that Government was not prepared to consider any act for the future. Meanwhile Government appointed a Committee to go into the whole question of housing accommodation in Calcutta. I take it then that the position of the Government is against this measure. I shall be glad to have an expression from some official as to the views of Government so far as this Bill is concerned——

Mr. PRESIDENT: You will not get it to-day. You are only asking for leave to introduce the Bill. A short speech will suffice. You can reserve the bulk of your remarks until you have obtained leave and the Bill comes up for consideration.

Dr. H. W. B. MORENO: In view of that statement, I only want to say that the amending Bill is very short, and the objects and reasons are put down at the end of the Bill. So far as this Bill is concerned, I am prepared to accept any amendment, if the Bill is referred to a Select Committee, for instance as to the amount of rent that may be covered by this Act. I am prepared to accept any such amendment. I hold that this Bill is necessary for the reason that we must have this Rent Act extended, for the protection of residents in the city. Tenants are clamouring for protection and we do not want any upsetting conditions in Calcutta. I hope that when the Bill will go forward to a second reading, this amendment will be considered, as to whether it should affect rents only up to Rs. 250 or less. I now ask that this Bill be introduced for consideration in this session.

The motion was put and agreed to.

The Secretary then read the title of the Bill.

Adoption of procedure in discussing certain resolutions.

Mr. PRESIDENT: Before we take up the resolutions it will be convenient for the House if I state briefly the procedure which I propose to adopt.

Resolutions 1 to 5 and Nos. 10, 14 and 15 will be taken up together and it will be permissible to discuss clause (*d*) of resolutions 6 to 9 in the course of the same debate. But it must be clearly understood that if the movers of resolutions 6 to 9 desire to speak during the course of that debate they must confine their remarks to the question of the détenus under Bengal Regulation III of 1818 and that any discussion at that stage of the matters covered by clauses (*a*), (*b*) and (*c*) of their resolutions will be out of order. Strictly speaking, resolutions 18 to 22 should next be taken up, as resolution 18 has obtained the second place in the ballot. But for the sake of convenience, I will take up, after resolutions 1 to 5 and 10, 14 and 15, the resolutions which deal with the larger aspect of the question of political prisoners, namely, 6 to 9 (in so far as they do not refer to Bengal Regulation III of 1818) and Nos. 11, 12, 13, 16 and 17. At the conclusion of the first debate, I shall put resolution 1 to the vote, and at the conclusion of the second debate, I shall put clauses (*a*), (*b*) and (*c*) of resolution 6 to the vote.

Resolutions on matters of general public interest.

The following resolution standing in the names of Babu Manmatha Nath Roy, Babu Khagendra Nath Ganguly, Mr. Kiran Sankar Roy, Dr. J. M. Das Gupta and Dr. Kumud Sankar Roy was not moved:—

"This Council recommends to the Government that the Government of India be approached with a recommendation to release forthwith all

persons belonging to Bengal detained under Bengal Regulation III of 1818, or with a recommendation that they be placed before a Court of Law for trial within a week."

Release of certain political prisoners.

Mr. J. M. SEN GUPTA: I move that this Council recommends to the Government that all political prisoners of, and belonging to, Bengal, namely, those detained under Bengal Regulation III of 1818 be forthwith released. The resolution recommends to the Government that the 17 Bengalis who have been arrested and detained under Bengal Regulation III of 1818 be forthwith released. Every member knows that these persons have been detained without trial. It does not require many words to tell people, particularly persons who belong to a free country—I refer to my English friends—that it is against all the principles of a free and democratic state to keep persons imprisoned without placing them before a Court of Law and allowing them to cross-examine the witnesses who are produced against them to test whether they are actually telling the truth or not. In England during the war even German spies had the benefit of a trial, even though before a Court Martial. They had the right to be represented by Counsel; they had the right to cross-examine the witnesses brought against them; they had the right to be acquitted by that Court if, after cross-examination and after the testing of evidence and the address of the Counsel appearing on their behalf, it was proved that there was not sufficient evidence against them, or that the evidence was doubtful. I would ask the members of this House—and particularly my English friends—what they would think of any British Government, however strong it might be, imprisoning 15 or 17 Englishmen, keeping them in detention without trial? Do they think that such a Government would be worth a moment's purchase or would last even for 24 hours? We have been repeatedly told that the beginnings of a free and democratic Government have been made in India but what a pretence it seems when we have a taste of it by the imprisonment of these 17 Bengalis without a trial. It is said that there is evidence against them—the police have got evidence against them. What really is meant is that there is evidence which cannot be exposed to the test of cross-examination. For centuries the English people have developed a system by which they can test evidence—that is by cross-examination. No human mind, however great it might be, can find out the truth of a story told by a witness unless the latter be submitted to cross-examination. Yet without any such test, it is said in some quarters, that the evidence is convincing and that there is a guarantee that the evidence is true. No human mind, as I have said once before, can find out whether a particular *ex parte* statement is true or false unless it is subjected to the ordinary rules of testing evidence which are allowed under the English Law, or for the matter of that under the law under which we live.

So far I have addressed this House on the principle that there should be no imprisonment of a person without his being brought before a proper Court of Law and convicted after a judicial trial. I shall now show to you that as a matter of fact the Government have no right to imprison these people at all having regard to the fact that there is a Government of India Resolution of the 19th September, 1921, which says that Bengal Regulation III of 1818 shall not be applied to Bengal or any other province and that its application shall be limited to that particular tract of India—"the inflammable frontier." As early as the 21st March, 1921, in pursuance of a resolution, which, I understand, was carried in the Council of State and which was moved by the Right Hon'ble Srinivas Sastri, a Committee with Dr. Tej Bahadur Sapru as Chairman, and Mr. E. L. L. Hammond as Secretary and Sir William Vincent, Sir Sivaswami Aiyar, Mr. J. Choudhuri, Mr. Bhurgiri, Dr. Gour and Mr. Shahabuddin as members, was appointed to consider the repressive laws and to make recommendations as to their repeal or amendment. That Committee considered the repressive laws and submitted its report and the report is a lengthy one. I do not propose to read the report, nor to refer to extracts from the report, but at the end of the report the Committee definitely state that the application of Bengal Regulation III of 1818 should be confined only to the inflammable part of the frontier of India and that it should never be applied to Bengal or any other province. That recommendation was accepted as I have said already, by the Government of India in the Home Department Resolution—Political—19th September, 1921, No. 714. This being so, the Committee's recommendation being accepted by the Government of India by that resolution, how can the Government of Bengal or for the matter of that the Government of India apply the provisions of Bengal Regulation III and detain these persons in prison without a trial? The principle was very distinctly laid down by the Committee in their report. They pointed out that the revolutionary movement could not be stopped by the imprisonment of people without a trial. They proved further that the times had changed and that the beginnings of a responsible Government had been made in this country and therefore that all these old laws or regulations should not be applied to the provinces. Sir, I contend, that I have made a clear case out on the question of principle that the resolution should be accepted by the House. I have also shown that the Bengal Government have no right to use this regulation in Bengal after the recommendations of the Committee appointed by the Council of the Governor General have been accepted by the Government of India.

Maulvi MD. NURUL HUQ CHAUDHURY: In supporting what my hon'ble friend Mr. J. M. Sen Gupta said, I have only a few words to say. The Hon'ble Sir Hugh Stephenson in reply to Mr. Sen Gupta's question said that there were two men who had been imprisoned and detained by the order of the Government of India, but Sir Hugh Stephenson did not say whether these two people were presented before any

Judges of the High Court. Sir, Regulation III of 1818 is more than 106 years old. In a country which is civilized, a country in which we live and in which we are told we live under the most civilized form of Government—and I have been told on many occasions that Indians enjoy more liberty than the English people in England—in a country like this why should a Regulation which is over a century old hang on the people? Sir, to detain respectable Indians, people who are educated, people against whom only the police reports exist, is certainly unfair, and the inability of the Government to place these reports before the House shows that they cannot stand the test of criticism. Sir, the art of cross-examination is an art, which I should say, we have got from the English system and if that be the case, then why should not the 17 or 19 persons who have been detained and whose cases were presented before two Hon'ble Judges of the High Court, be allowed to test the veracity of the gentlemen who produced the reports by means of cross-examination? Sir, I think this is most unjust and I should say most inhuman on the part of Government to detain these men.

With these words, I support the resolution moved by Mr. J. M. Sen Gupta.

Kumar SHIB SHEKHARESWAR RAY: I move that this Council recommends to the Government that the Government of India be approached for the immediate release of the persons belonging to Bengal who have been placed under personal restraint under Bengal Regulation III of 1818, and that, if necessary, they be tried according to law in an open court of justice.

In moving this resolution I am fully conscious of the responsibility that seems to lie so heavy on the Hon'ble Sir Hugh Stephenson; but I want to lighten it, make it less irksome and more amenable to popular control. Sir, it is very easy saying " You people do not know what lies hidden in our political archives "—

Mr. PRESIDENT: Not " you people " Kumar Sahib.

Kumar SHIB SHEKHARESWAR RAY: I will change it. Well, Sir, it is very easy for the Hon'ble Member in charge to address us: " You people, you do not know what lies hidden in our political archives . You are ignorant, but at the same time you are not to be taken into confidence; you must remain ignorant: we, who are in the know, fully realise the gravity, and are to remain judges of fact, law, means and methods, in short everything."

It has been said that the Government is ours and we are to form its character and policy. If that be so, it must be responsible to us. Surely, such high sentiments are not meant to live and die with the air breathing them out. They must have some sense and we must have an opportunity to realise it. The "change of heart" should not consist

in mere words, but should be evidenced in deeds too. Have the Hon'ble Member in charge and the Government he represents ever tried to realise the public feeling in the matter? Have they ever cared to know that the country simply refuses to believe that a contingency has arisen justifying such spiriting away of people?

It has been said that desperate diseases need desperate remedies and that all political bodies have to take recourse to them in times of storm and stress. It is a fine general statement no doubt; so fine and so general as verging almost to a truism. But do our dutiful administrators remember what one of their chiefs in England had once said when asked by the then Government of India to sanction further deportations under Regulation III of 1818. "Remember, I have to face the British Electorate and such action would never go down with it" said Lord Morley and refused point blank to accord further sanction. But our rulers out here have no such fears. Irresponsible as they are to us, they know only one policy for our country—the iron rule of autocracy. Theirs is the duty to command and ours the right to obey them. Well, Sir, this is a state of affairs which cannot be tolerated any longer. We are here to make our executive responsible to the Legislature and to bow down to public opinion. It is idle to talk of the change of heart and the change in the angle of vision if at every tight moment, the Executive hold up the Government of India Act and point to an authority 6,000 miles off as the one to whom they are responsible and refuse to set up a tradition of being responsible nearer home.

In no other civilised country would a responsible Executive ever think of adopting such risky measures on its own initiative. Even the Government of Bengal admit the grave dangers of such preventive measures, but the people of Bengal had a bitter experience of them when, a few years back, men in their thousands, on the merest suggestions of contemptible spies, were snatched away from their near and dear ones and made to rot and die in unhealthy places and snake-infested quarters. Sir, if the Executive is afraid of a recrudescence of the outrageous crimes of 1914 and 1915, we are no less afraid of a repetition of the vanishing trick and a reappearance of the black-mailing monsters. Sir, ask any man in Bengal—of course I mean natives of Bengal—and he will tell you that he would much rather run the risk of being robbed and murdered than give *carte blanche* to spies and informers and be made a victim of a legion of black-mailers. It has been said that there are safeguards against mistakes and abuses; and what are they, pray? The police papers are placed before two Judges who after a perusal pass an opinion on them. Sir, I wonder how Judges can be made to do such work revolting to all judicial instincts, to pass an opinion on a perusal of mere dead papers put up by a party who are interested thus to cover up their inefficiency, and I might say cowardice?

Considerable liberty could be granted to the Executive only when occasions justify and people demand. Why, it was only the other day

that we passed the Goonda Act which made no slight inroad on individual liberty. It was a desperate legislation to meet a popular demand and nobody takes objection to it. But is there any such demand now for the old rusty weapons of the gubernatorial armoury for striking at the very root of the high traditions of British justice? We say that there is no such demand. And we maintain that unless and until the people call for them, the Government has no business to have recourse to them. We, as accredited representatives of the people, must oppose the Government if it goes out of its way and cares not to consult, but rather chooses to trample, the popular feeling in the matter.

With these words I commend my resolution to the acceptance of the House.

Rai HARENDRANATH CHAUDHURI: I move that this Council recommends to the Government that the Government of India be approached to take immediate steps to release the persons belonging to Bengal arrested and detained under Bengal Regulation III of 1818.

Mr. Rushbrook-Williams in his made to order account of India in 1922-23 speaks thus of the substantial achievements of the Reforms:—

"The committee of officials and non-officials appointed to examine the Press Acts and Repressive legislation produced in due season reports which were a sufficient earnest of the possibilities of the new Reforms."

Unmistakable "earnest" and immense "possibilities" indeed! For the recommendations of the Repressive Laws Committee were hardly two years old when a dozen and a half men were deported under the Regulation. Who after this will dare to question the immense "possibilities" of the Reforms and the true historical vision of the modern chronicler of India?

But why have these men been deported? Because, "but for one small cloud the political horizon is even clearer than it was last year"—because "a small handful of men in this province have fallen back," it is suspected "upon the old methods of violence," because it is assumed—a gratuitous assumption indeed—that the people of Bengal "would rather see" the "rusty sword of 1818 used than that the evil should be allowed to revive." But the people of Bengal of all shades of independent political opinion have protested against these deportation measures knowing it to be certain that never before the majority of the people were such non-violent in spirit—never before the rank and file of the nation were so determined not to achieve any political ideal by means of the pistol and the bomb. However so much you may miss it the point taken is, as Lord Morley put it in his Recollections: "The failure to tell the deportee what he is arrested for, to retain him without letting him know exactly why, to give him no chance of clearing himself." And the pity of it is that in the Indian environment, it is not

appreciated by "honest Englishmen with their good traditions of legal rights."

That no one shall be deprived of his liberty without a fair trial is a proposition which has only got to be stated in a free country in order to meet with universal welcome and enthusiastic support; but in our hapless country, in the topsy-turvydom in which we live and move and have our being such a proposition has got to be moved with long-drawn speeches and laboured arguments what is still more an irony of fate, Sir, is that you have got to fight for the recognition of the truth and importance of this principle by a government which takes pride in arrogating to itself British character and by people who are never tired of repeating the shibboleth of British tradition. Of our European colleagues in this Council who only the other day reminded us of the law and order tradition of the British people, we have only to inquire whether clauses 39 and 40 of the Magna Charta do form part of the British tradition or not? Can you talk of any British tradition forgetting clauses 3, 4 and 5 of the Petition of Rights? We do not know whether a government in England will stand a single day or not, were it not to care for maintenance of law and order, but we are sure no authority in England will stand for a single hour were it disposed to give the go-by to them. Has the Habeas Corpus Act anything to do with the English tradition? If it has, what does it care for?—the maintenance of law and order or liberty? What is British History? A record of the triumphs of *lettres de cachet* or those of the writs of freedom? At the end of the first decade of the present century when amidst dastardly shooting and bomb outrages in India, 150 members of Parliament wrote to Mr. Asquith in 1909 protesting against the deportations of the time were they false to British tradition? When in 1909 Lord Morley wrote to the Governor General of India "you will perceive the difficulty of sustaining a position so uncongenial to popular habits of mind either Whig or Troy," was he not aware of the British tradition? Invent a "fur coat" theory if you like, distinguish between "India" and "Yorkshire" if you please to satisfy the qualms of your conscience, to appear consistent west and east of Suez, but pray do not so misinterpret British tradition as can be detected by a school student of British history.

To the Government I have got only one word to say. Rule by *lettres de cachet* if you desire. They have always and in all countries been the harbingers of liberty in disguise. But after using the Regulation and without trying the détenus, pray do not expect us to swallow, "that in the case of every one of the persons who has been detained, there is definite information in the possession of the Governor in Council that he has up to the time of arrest engaged in revolutionary conspiracy." You may, in your mercy, concede extra-judicial inquiry by two Judges but that is the one thing we would ask the Government to avoid—"a single case for investigation in the absence of the accused." Apart from its illegality, it is adding injustice to injustice. It is not only denying fair trial but deliberately prejudicing the détenus case. Truly did Lord Morley observe

"we may argue as much as we like about it and there may be no substantial injustice in it but it has an ugly continental, Austrian, Russian look about it."

But before I conclude, I think, I ought to attempt—as every mover for the release of the deportees should attempt—to answer the bigger question raised by His Excellency's speech yesterday. Assuming for argument's sake—though there is little evidence before us or the public so to assume—that the Government have to deal with the brains of a widespread revolutionary conspiracy—how to purge the society of the evil of anarchical crimes—how to wean them from revolutionary motives?

The present Government is entirely wrong in believing that extra-judicial procedure—repressive laws—succeeded in putting a stop to revolutionary crimes before. An emphatic "no" is our reply. You remedied certain popular grievances and unsettled certain settled fact—you held out hopes of liberalising the then constitution—adopted conciliatory measures and with the remedies the distempers disappeared. It is well worth remembering, Sir, the teaching of History that acts of injustice and defects in a constitution give rise to discontents, discontents to repression, and repressed discontents to crimes. More repressions, greater discontent, more reprisals, severer hitting back, constitute but a vicious circle. To move on, you have only to try the solution that has been found out by statesmen and not merely sun-dried bureaucrats, and administrators, discovered by men with larger vision and not by ultra-alarmists. To quote a recent instance. Was not Mr. Lloyd George "firmly convinced that the men who were suffering in Ireland were the men who were engaged in a murderous conspiracy"? Did he not announce at the Guildhall speech just before extending the invitation to discuss the treaty of peace with Ireland that the police were "getting the right men"? Yet what did bring about peace? Not certainly another Coercion Act, but peace and goodwill came, out of disorder, order emerged, only by ascertaining "how the association of Ireland with the community of nations known as the British Empire may best be reconciled with Irish national aspirations."

Substitute India for Ireland and *sursum coda.*

Babu SURENDRA NATH RAY: I think I should say a few words on the resolution moved by Mr. J. M. Sen Gupta. Mr. Sen Gupta has said that by the cross-examination of witnesses many facts can be brought out. That is indeed quite true. His Excellency Lord Lytton told us yesterday—I quote his words:—

> In order therefore to safeguard ourselves against error and to provide the public with some guarantee that we have not abused the powers we possess we have submitted the whole of our case to the impartial examination of two Judges. These Judges have examined the material we have put before them and have informed us (1) that the existence of a revolutionary conspiracy is clearly established, (2) that the evidence is sufficient to prove active participation in that conspiracy in the case of every man whom we have detained by the use of Regulation III of 1818.

Sir, you probably know very well that the Criminal Procedure Code was amended for the speedy disposal of cases in which the anarchists or rather the so-called anarchists were charged. The police reports were put up before persons of the position of a District Judge and the latter recorded the evidence of witnesses *ex-parte* and the accused were then committed for trial before a tribunal consisting of three Judges. A few years ago, when Sir Lawrence Jenkins was the Chief Justice about 30 persons were committed in what is known as the Howrah conspiracy case. Government spent a lot of money in the case by engaging the best criminal lawyers in the country to conduct the prosecution and there were junior advocates who offered their service on behalf of the accused, and what was the result? All the persons who had been committed for trial were set at liberty by the tribunal and why? Because by testing the police evidence and of the witnesses they produced it was found that there was absolutely no conspiracy. That was a well known case. Let me cite a few instances from my own experience, I had once to serve as foreman of the jury in a particular case. An old thief was brought up at Alipore Sessions and he was undefended. The presiding judge was a Judge who had acted as a High Court Judge but had again reverted to a District Judgeship. The evidence against the accused was that he had committed theft by stealing some brass utensils, etc. That was the evidence against him and on that evidence he was committed for trial. That man was undefended, as foreman of the jury I asked him certain questions and it transpired that he had not committed the theft. We gave a verdict of "not guilty." The Judge differed from us. The case was referred to the High Court and here also the accused had nobody to argue the appeal for him and he was released by the Chief Justice and Justice Pratt, the two most experienced Judges of the High Court. This is, Sir, the value of police evidence! There are many cases on record in which when the police evidence was tested by cross-examination and the accused was allowed to defend him or put his case properly before the Judges it was found that the evidence was generally not such as to warrant a conviction. Only some time ago a similar case took place. There was an appeal by two or three men who were charged with house-breaking and setting fire to a house. The men were convicted and a sentence of 6 or 7 years' imprisonment was imposed on them. The Appellate Judges read the evidence in camera and the petition of appeal. What was the result? Mr. Justice Pratt who was the Judge was about to deliver judgment when a vakil approached him with a prayer to defend the accused. He was kind enough to grant the vakil's request. On hearing his arguments, Mr. Justice Pratt who was almost ready, with his judgment to convict the accused, found that the accused were not guilty and set them at liberty.

There was another case which is well known to Englishmen. I mean the Parnell Commission in which Mr. Parnell was accused of taking part in the Irish Revolutionary movement. A Commission was appointed consisting of the best judges to inquire into the truth or falsity of the

charges, and Sir Charles Russel (afterwards Lord Chief Justice of England) conducted the case on behalf of Mr. Parnell. Everybody thought that Mr. Parnell was really implicated in the Irish Revolutionary movement. The principal witness in that case was one Mr. Piggott. The cross-examination by Sir Charles Russel was so very crushing that truth came to light and I think that very night Mr. Piggott left for Spain and there committed suicide because he thought that he would be prosecuted for perjury. These are a few examples only. These clearly demonstrate that it is absolutely necessary that evidence whatever it may be worth should be tested by cross-examination. We cannot—we have no right—to spirit away people. This is against the sense of justice of the British people. About 17 or 18 years ago some 8 or 9 gentlemen were detained under Regulation III of 1818. One of them was Mr. Krishna Kumar Mittet, a gentleman well known to us. He is now employed by Government in many propaganda purposes and I think he visits the prisoners in the jail as a Brahmo missionary.

Mr. PRESIDENT: What has this got to do with Regulation III of 1818 ?

Babu SURENDRA NATH RAY: Government is sometimes mistaken —that is what I wish to point out—when they rely simply on the police reports and when they take the assistance of these persons, I think that it is fair and proper that no action under Regulation III of 1818 should be taken.

Of course I know that it is absolutely necessary in these days for Government to take necessary steps for the preservation of law and order and Government will always find in us, the members of the Legislative Council, willing to support them in this respect, but what I beg to submit is that there is the ordinary law by which people who are accused of criminal offences however heinous they may be can be brought before a Court of Justice and regularly tried. They should not be spirited away or sent to places about which we know nothing.

With these remarks I beg to support the resolution.

Sir WILLOUGHBY CAREY: I cannot believe that these resolutions are put forward in all seriousness. I have been very glad to hear my friend Mr. Surendra Nath Ray who stated that all the members of this House should stand for law and order and I think that all of us who wish that this should be so desire to see Government acting in all seriousness. I cannot, as I have said, believe that the action which is suggested and pressed for by these numerous resolutions is one which our most progressive members would really put upon a serious Government. We are of course used to suggestions of this kind outside of this Council. We have indeed seen them sporadically brought up in this and other Councils but I at least have always believed them to be an expression of opinion of a comparatively few. Now, however, as regards this Council, looking at the list of business it is to be recognised that this position has changed

somewhat. We still see the names of our old friends and antagonists like the Kumar Shib Shekhareswar Ray, Dr. Pramathanath Banerjea and Shah Syed Emdadul Haq and others, with whom we argued other points at length in the last session and who have been familiar to us now for years as an opposition, sometimes not unusefully but always consistently the opposition, whether wise or unwise, necessary or unnecessary, subjects are brought up for consideration. But the new names in large numbers standing for these resolutions make one recognise that an organised attempt is being made to subvert the basis of Government, which is law and order. We were prepared, perhaps, for opposition to Government measures to the point of obstruction of necessary business and measures for the good of the province. This may have been perhaps only a rumour and we regret the possibility and hope that in this Council it might not be so, because up to now the Bengal Council has, I think, led the way among the Councils in sanity and sound progress and has done much good for the province but when, as now, we see what wears all the appearance of an organised attempt to release upon the public all the most dangerous elements of anarchy and murder at a time when we know that secret revolutionary societies exist, we are necessarily forced to oppose it. It is not a time for playing with politics. I think I am correct in saying that wherever general release and amnesty have been tried it has always been found that there has been a recrudescence of lawlessness and it has always meant that Government has been forced, sooner or later, to take fresh action. Nobody I think will consider me to be a reactionary should I take opposition to these resolutions with all seriousness. The Government have up to now shown great clemency, and individual cases have received every consideration but I say that it will be impossible under the present conditions to release these political prisoners or to withdraw Acts which give to the authorities power to protect the interests of the public at large and the fundamental principles of law and order. Bengal, we know, has been the home of the revolutionary now for many years, and there have recently been unmistakable signs that the vulcano of 1910—1917 is again awake and working. What guarantee can the movers of these resolutions and their friends and their party be able to offer to the public at large and to the vast interests of the rest of the privince and the country, that, supposing it were possible to conceive of their wish being granted, they would be able to control the revolutionary activities or the political crimes of the persons now under restraint? Unless they can do so—and I submit they cannot—I, for one, as a representative of a great industry and as being closely associated with the representatives of many others employing vast forces of industrial labour mostly illiterate, cannot agree to or do anything but oppose such resolutions as those now put forward.

We have seen the effects on the country of political agitation stirred up by some of these very men. We have seen the disorganisation of railway traffic and commerce and enormous losses to the province and results

similar in other directions and I personally have had experience among labour of the effects of a political propaganda of an undesirable nature. These things are not for the good of the country in whatever way we look at it and they are not to be associated with a progressive and stable Government. With regard to these resolutions I would ask that we might consider that here in this province we have a large country, a densely populated country, a country teeming with possibilities of wealth for its people, and I would ask you to realise your responsibilities and opportunities. It is not through actions of this kind that the country is going to be developed for the benefit of its people to the extent to which it is capable and up to which every sound Bengali looks forward.

I would submit that to this end there is yet more to be learnt of the forms of responsible Government needed and of the actions required by the people of all sorts and conditions from such Government. Proposals of this kind lead nowhere but to disorganisation, bankruptcy, and ruin in any country in the world. We have seen it elsewhere and we have no desire to see it here.

I would like to turn for a moment to the report issued by the Committee which has already been referred to in to-day's and similar debates, the Committee which sat in Simla in 1921 and which contained a large majority of Indian gentlemen—I think it was 7 to 2, including some of the finest thinkers. I find that they spoke entirely favourably of the statement of Mr. Gokhale even to the extent of quoting it. I may perhaps be permitted to read it out:—

> If the need of Government is urgent and immediate, then of course all ordinary considerations must be put aside and every loyal citizens must arrange himself on the side of Government in sanctioning and enforcing the measures that are thought to be indispensable. In case of actual disturbance or in a state of dangerous activity on the part of elements hostile to the very existence of Government, I can understand the Government calling on all loyal citizens to rally round it in this manner."

Sir, I submit that our present condition is described with comparative accuracy in the last sentence.

So far I have dealt with these resolutions on the assumption that they are put forward seriously, and I hope I have proved the case for their rejection. If, however, it be the case—I am not suggesting it—that they are put forward simply with the idea of embarrassing the Government and the authorities or hindering the business of governing the province, then, on these grounds alone, I would call upon the members of this Council to vote against these resolutions, for what we want here as elsewhere and what the province calls for from those whom it appoints by election to serve it, is a sober consideration of their needs, among which stands very high the need for law and order and for a whole-hearted and honest effort to do their best to meet it.

Maulvi WAHED HOSSAIN: On many occasions I had to move or second resolutions and sometimes to oppose not a few of them. But never

before this have I felt the responsibility so heavily as I do now. On the one hand tremendous excitement created by the sudden and unexpected arrest and detention of my countrymen for crimes not named, not disclosed and not even made known to them or to the public, has made us stare at the stark and strange policy of Government. On the other hand nervous cry for the preservation of law and order has become the fashion of those who imagine that the safety of the people was at stake. The situation is rather perplexing. But one thing is clear. Although the inestimable personal liberty and the invaluable rights of free citizenship of those whose guilt has not been proved in a court of justice, have been taken away under an obsolete Regulation, the life and property of the people are not more secured than before from the attacks of reptiles, robbers and daring dacoits. The columns of the daily journals give graphic accounts of their daring deeds and misdeeds and furnish convincing proof that the danger of life and property did not arise from the freedom of the untried prisoners kept in confinement for the sake of imaginary safety.

Some plausible arguments has been advanced to justify their arrest and detention on the ground that their personal liberty was a source of danger to the peace of the country. Did they create unrest in the country? The history of the present unrest in India belies such a belief. The subtile brain may feign ignorance ; vested interested may dissemble, but real causes of unrest, agitation and disaffection are now well-known. The removal of a few unknown figures under the operation of a ruthless Regulation will not remove the root-cause of unrest, nor will it restore peace to the disturbed mind of the bureaucracy. It is said and sometime asserted emphatically that this comprehensive Regulation, though a relic of the barbarous age, is a handy weapon to check the spread of disaffection in the country. I confess, I doubt its efficacy. But if it is so, I earnestly implore the authorities to apply the Regulation more effectively to the present system of Government which is causing so much unrest and disaffection in the country. But the Government cannot use the Regulation conscientiously. And why? Because it is a savage Regulation to be used by a savage Government. But the present Government is civilized and is ashamed to use it. Really it is a barbarous legislation unworthy of a civilized Government. An eminent lawyer who was held in the highest esteem by the Bench and the Bar and who enjoyed no small confidence of the Government described the Regulation III of 1818 in the following terms:—

> I tell you it is not a standing law but a standing negation of all law; not a standing law but a standing menance to our liberty, a standing reproach in our Statute Book.

It is said that these persons were arrested on reliable materials collected by the C. I. D. and corroborated by the story of the accomplice or approver—strange corroboration never allowed by any system of jurisprudence. If the police reports really contain trustworthy materials

which can be corroborated even by an accomplice, why were those materials not placed before a court of justice? Why was not the indictment framed against them? Why were they not publicly charged and convicted? I believe Government will not find fault with the public if they presume from the absence of a trial that there is something rotton in the State of Denmark. "There is no piety in the fraud that covers its true nature." Government dared not launch prosecutions and the Crown retired, disgraced and defeated from its own court. But how has the action of Government been characterised even by a staunch liberal—Lord Morley? Hansard's Parliamentary Report characterises the action of Government in deporting a man for reasons which they dared not disclose as "illegal," unconstitutional," "tyrannical," arbitrary," "impudently absurd" and "preposterous." Yet such action has been sanctioned by a brilliant ex-Chief Justice of England and defended and applauded by the whole hierarchy of officials. What has been the gain? The tyrannical, arbitrary and impudently absurd action of Government has made the law lose its majesty and brought the court of justice into contempt": In one of his memorable letters written at the most anxious time when Europe was involved in the meshes of a bloody revolution Burke gave a warning to his countrymen which could not have escaped the notice of scholars like His Excellency the Governor of Bengal and His Excellency the Viceroy of India. He pointed out—"living law, full of reason and of equity and justice (as it is or it should not exist) ought to be severe and awful too; or the words of menace, whether written on the parchment roll of England or cut into the brazen tablet of Rome, will excite nothing but contempt." In the fullness of their power the bureaucracy have disregarded the sober advice of that sound statesman and rushed to repressive measures which have exicted nothing but contempt. These lawless laws and the ruthless Regulation have neither reason nor equity and justice on their side to strike awe, but are certainly very severe and cruel in their nature and mode of application. I may frankly say that they have no terror for the people, although they are potent enough to create irritation, unrest and disaffection in the country.

It may be argued that since the arrest and detention of a certain class of men the number of robberies and dacoities has been reduced. But it should be remembered that whenever crimes have shown tendency to increase and the ordinary law of the land has properly been applied, the perpetrator of the crime has been brought under control. Our penal laws are potent enough to check their activities. But the repressive measures or the application of the Regulation III do not stamp out crimes. They are never considered to be effective laws. Such measure our past experience has shown, may produce a temporary lull or secure an outward quiet, but their inevitable result has been growing discontent and spread of disaffection in the country. If we turn to the history of agitation of our time, we find that the spread of disaffection has been effectively checked by removing the root-causes of the discontent. The spread of discontent

in the Punjab was checked not by the application of repressive measures, but by refusal of assent to the Colonisation Act; the anarchical movement of Bengal came to an end not by the arrests and detention of the discontended persons, but by the modification of the Partition of Bengal; and the unrest in the country received a good check not by the ruthless application of rigorous laws but by the generous grant of a general amnesty by His Gracious Majesty the King Emperor. These are the teachings of experience and we might profit by them.

It may be argued that the recent tragic occurrence of a diabolical character is a prelude to the anarchical activity in the country. While deeply deploring this dastardly act of the perpetrator of the heinous crime and offering our heartfelt condolence to the bereaved family, we strongly denounce such misdeeds and deprecate the use of violence in any shape. The public has expressed its abhorrence in unqualified terms and will not tolerate the commission of such evil deeds or use of violence. We do not ask the Executive to withhold their hands from arresting, trying, and punishing the guilty. But, Sir, what I say is this—the ordinary penal law of the land is potent enough to check the anarchical activity or deal with assassins, robbers and dacoits. Political assassination is not unknown in the Western countries. Seditious agitators are not unknown figures in Europe which has been infested with anarchists and nihilists and is now honey-combed with Socialists and Bolshevists, yet there is no such Draconian law as we have in India. It is never suggested that India has such horrid societies which openly preach that killing is no murder, nor are there bands of cattle maimers, incendiarises or agrarian or Phœonix Park assassins in India as the world witnessed in England and in the Isle of Destiny. To the credit of India it must be said that it has not yet presented a spectacle like the "No-Papery riots" in London which were held by the mob for two days, or like the Reform riots in Bristol when that town was sacked by the rioters.

Mr. PRESIDENT: As far as I can hear this is a very interesting historical summary but it has got nothing to do with Regulation III of 1818 and it is a far-cry from Bristol to Regulation III of 1818.

Maulvi WAHED HOSSAIN: Very well, Sir, I will omit this portion. Sir, there have been erratic riots, political assassinations and outrages on the innocent persons. Such abominable and unfortunate happenings are the evils from which every State has been suffering from the beginning of creation and which can hardly be eradicated by a human law however rigorous or comprehensive it might be.

[At this stage the member reached the time-limit.]

Mr. PRESIDENT: Maulvi Saheb, your allowance of time is finished.

Mr. W. L. TRAVERS: In considering the resolutions which are before the Council, two points first of all demand close attention. These

points are the replies to the questions : first—what will be the immediate effect if these resolutions be passed and adopted by Government; secondly—what in connection with these resolutions is the responsibility of the members of this Council?

Now, Sir, we know with perfect clearness who and what the criminals are. We know that there are persons who have committed serious offences or crimes against the person—murder and dacoity (Voices: " Question "). We know what evidence has been passed by high judicial authorities. One can indeed comprehend sympathy for hot-headed youths, blinded by the flame of nationalist desire, who commit venial offences against the law, to show their devotion to their cause. But, Sir, a murderer is a murderer, a dacoit is a dacoit, whether he be led thereto by political desire, by love of gain, by mere bestiality or by all three combined. What would be the effect of these resolutions if adopted? It means that there would be let loose upon society a number of men who have already committed serious crimes: it would mean that these men will be given an opportunity to commit further serious crimes against peaceful law-abiding citizens. Now, Sir, that being the case, wherein lies the responsibility of the members of this Council? Surely if the members of this Council support these resolutions, they will lay themselves open in future to the charge that they have aided crimes, serious crimes of violence. I say therefore that that act should be clearly recorded and the result left to conscience.

Now, Sir, Kumar Shib Shekhareswar Ray, in proposing his resolution has asked a question. He said: " Ask any Bengali "—mind you *any Bengali*—" whether he does not prefer prospective murder and dacoity to the action that has been taken by Government?" My reply is this—surely there are in the Bengal Government at the present moment five Bengalis who must approve of the policy that is adopted. They are persons high in the estimation of the people of Bengal. (Cries of: " No; No.") Presumably they confirm the policy of Government.

But surely, Sir, there are other effects of these resolutions upon a wider field. Any resolution or action which in any manner undermines public security, any resolution which disturbs or proposes disturbance of that settled line of law and order which is the basis of all stable Government seriously interferes with the trade and commerce of a country. I think everyone will agree with me that Bengal requires at the present moment all the capital that she can possess, that she can get hold of, for the development of her industry, the development of her agriculture—it is the only way to increase the wealth of the people and to raise their standard of comfort. But surely there is nothing of which capital is more afraid, there is nothing more certain to drive it away, than a feeling of doubt of the capacity or the readiness of a Government, whether it be the executive or the representatives over which the executive works, to strictly preserve law and order. I say that during the last four years the non-co-operation agitation in this province

has seriously increased the poverty of the people and unemployment (Cries of: "No, No;" "Order, Order.")

Mr. PRESIDENT: Mr Travers, we are not concerned with the non-co-operation movement.

Mr. W. L. TRAVERS: Sir, my point was that the mere moving of these resolutions will act as a serious step on the same road. However let me leave that point.

I will now turn to another political aspect. We are at present passing through a time of very rapid change, both here in Bengal and in the rest of the world. I put it forth as a proposition that the principal party of opposition in this Council, which is now a large party, may in time find their difficulties removed and may form the Government of Bengal. Now, Sir, I ask what in future will be the position of that party and of the leaders of that party? To-day they support or approve the resolutions which connive at political crime, or at any rate show sympathy with political crime. I ask them, when they form the Government in future, if those who disagree with them, oppose with similar means, what will be their attitude towards those people? With any consistency or honesty, now that they sympathise with political crime— (Cries of: "Order, Order.")

Mr. PRESIDENT: Mr. Travers is not in order. I hope hon'ble members will leave the point of order to me.

Mr. C. R. DAS: Is Mr. Travers in order?

Mr. PRESIDENT: Certainly, he is not in order, and I have already called Mr. Travers' attention to it.

Mr. W. L. TRAVERS: *I withdraw the expression "sympathise with* political crime," and say "support resolutions for the release of political offenders." When that party occupy the position of the Government of Bengal, how will they punish those who support resolutions for the release of these prisoners? They cannot imprison and their government will be but a travesty of government.

One word more, Sir, and I have finished. We, the non-official Britishers of this Council, have in our heart all sympathy with the principle that at the earliest possible moment, consistent with the safety of this country and as soon as circumstances permit, the gift of Self-Government shall be given to the people of Bengal and of this country. I have myself worked for nearly four years with that object and for 10 years I have worked for social progress without which any democratic government can never be stable. That being the goal whatever may be the method of reaching it, I would ask this question: how will these resolutions affect the cause of Home Rule for Bengal and India? I say that resolutions of this nature are a hindrance not a help. I ask you

ow, in the present circumstances, at any rate, the electors in the British Parliament will regard resolutions of this nature? I say it will reate in their minds uneasiness and fear that leaders who propose resolutions like these which may infringe public safety here, and that it is langerous to trust them with more powers. I ask the moderate members f this House to look at these resolutions in that light—that if these esolutions be passed, it will be a hindrance to the progress of Home tule for Bengal.

I therefore appeal to the House to reject all the resolutions.

Babu MANMATHANATH ROY: I regret, Sir, that the previous peaker, Mr. Travers, made those observations. I regret also the spirit n which he made them. He asked, what would be the immediate effect f these resolutions were carried. The answer is simple. It will restore he confidence of the people in the Government. It will also enable the lovernment to enter upon its second era of Reformed administration vithout any blot on its escutcheon and it will also create an atmosphere of ranquility and secure that understanding between the Government and he governed which is so essential for the proper administration of the ountry. Mr.Travers said—I am sorry Mr. Travers has left—these were ıot instances of misguided youths. I do not know what facts and what nformation Mr. Travers has, or if he is in the confidence of the Governnent. He ought not to have made such remarks without placing facts ıefore us. I regret also that Sir Willoughby Carey had doubted the eriousness of these resolutions. To me it seems that if the fair name ıf the British Government has to be maintained that can be done only ıy carrying out the suggestions contained in these resolutions. The same peaker has asked for certain safeguards. But what would the speaker ıave said or done, or what would his countrymen have done—would not hey have risen up in arms—if the right which was given to England n 1215 by the Magna Charta, viz., that no persons could be detained vithout being tried by a Court of Justice—is denied to them to-day? His Excellency yesterday observed that this was the only way to remedy he evil. I wish His Excellency had read the situation rightly. His Excellency ought to have reasons for satisfaction, the whole Government ıught to have reasons for satisfaction and the whole Government ought o congratulate itself that it has succeeded in infusing in the people of his country that spirit of liberty which is based upon a close acquaintınce with the cherished traditions and the growth and development of British constitution. The people of this country will not be satisfied ınless and until those cherished principles are given to us—unless and ıntil all differences between the British constitution and the constitution ıf this country be done away with, and until this is done, the people annot help distrusting the *bona fides* of Government action. The ıresent policy of the Government will accentuate the evils and not remedy them. I appeal to all the members of this House that if this House intends to voice the sentiments of the people—if this House has

any consideration for the wide spread and universal resentment of the people in the matter of these deportations—it will rise in a body and carry this resolution without any opposition and I also appeal to the Government that, if the resolution is carried, they will be pleased to give effect to it.

Babu BEJOY KRISHNA BOSE: I move that the question be now put.

Mr. PRESIDENT: I cannot do that because I have not yet given the Hon'ble Member in charge an opportunity to reply.

Mr. C. R. DAS: In that case I also wish to speak.

Mr. PRESIDENT: The motion for closure came from your part of the House, Mr. Das.

Mr. C. R. DAS: I do not wish to speak if the closure is put now, but I want to speak in case the closure is not put.

Babu ANILBARAN ROY: As Regulation III of 1818 has deprived me of some of my best friends, I hope you will bear with me for a few minutes. When I speak, I speak from my personal knowledge about the people whom the highest authority in the land has accused of the gravest offence. Sir, I want specially to attract the sympathy and and notice of my European friends in this House because I hope, born and brought up in the British traditions and liberty as they are, they will stand for the personal liberty of their fellow citizens of India also. But their minds have been clouded by certain prejudices. If they only know, what I know and what most of my friends here know, that there is absolutely no such thing as organized conspiracy for murder and loot in the country, if they believe me, I can say that this is the truth that Government is misled or it may be that Government is wrong in thinking so. I am not going to impute motives but it is a fact that members, at least those members who are against these resolutions, have been misled by false ideas and false statements of facts. I want to lay before you certain facts, but before I do that I can assure you that I yield to none in this House in my respect for peace and order. I can assure every one of you here that I stand for peace. But I find that in this country nowadays peace has got two different meanings. If peace be a state of things in which the bureaucracy can do whatever they like, I am not for that kind of peace, and Regulation III of 1818 maintains this bureaucratic peace. Regulation III is the cry of law and order reduced to absurdity. Why do you want law and order? Because our liberty will be safe—our business relations, our commercial relations will be safe—therefore, we want law and order, but Regulation III of 1818 has deprived Bengal of all these, it has made all these unsafe in Bengal. I frankly say that I myself do not feel safe

here though I have been sworn in as a member of this Council and as a loyal subject of His Majesty. I will tell you the reasons, why? I have already said I myself am intimately connected with some of these persons who are being detained under suspicion and the police can very well infer that being an intimate friend of theirs I might also have been implicated in the crimes and therefore I should be removed to a solitary cell in the Central Jail of Midnapore. I tell you that it is only on such flimsy grounds that some of the persons have been detained under Regulation III. You may say that Government is assured that they have not been arrested on such flimsy grounds. Then why have they not produced substantial evidence before an open Court? A suggestion has been made and I read the suggestion in the editorial columns of the *Statesman* that these people cannot be tried in an open Court, because judges, pleaders, witnesses, police officers will lose their peace of mind for fear of secret assassination. I do not know if this argument weighs with the Government also but if it be a fact, it is high time that this Government should make way for a better one. The nation-building departments have been systematically starved to feed fat the police and the military, and if in spite of this you cannot procure evidence, dare not openly try criminals, and have recourse to such barbarous methods as Regulation III of 1818, then I can very well say—"Ring down the farce—it is nothing worth." There have been isolated cases of robberies, etc. In some cases you can scent political motives, but where is the evidence that behind all these cases there is an organization? You ask where these arms come from? Again I would refer to the columns of the *Statesman*—and I think the *Statesman* is better informed about the whereabouts of the police and the Government than many of us—and the *Statesman* says that the police have not yet been able to trace the agencies through which arms are being imported. The fact is that arms are being smuggled by traders who want to make money. Arms are purchased in the continent cheap and they are very dear in this country and I may also say that the people have a romantic charm for forbidden things for we have not yet forsaken the original sins of our parents. Now about these arms—when shining pistols and revolvers come into the hands of young men—cannot you realise that some of them may form their own plans, that some misguided youths may collect some associates to carry out some designs which they think will serve the best interests of the country, and when in that way they commit some crimes you at once raise the cry that the whole of Bengal has been affected with an organised revolution to overthrow the Government? The mere fact that the recent outrage was committed just before the present session shows that this is not so. Had there been any sensible men behind the movement they would have postponed the outrage until the passing of the resolutions for the release of the so-called leaders. Do not be misled by the cry of law and order. I yield to none in my detestation of murder and violence. Rather I go further than many of you here,

I think that killing ought not be resorted to under any circumstances. "Thou shalt not kill" is the commandment which is to be followed unconditionally. If you regard it honourable to kill the enemies of your country in open field, take it from me that others will find it so to commit secret murders and things of that kind. If you want to remove the crime, abolish these methods, respect human life everywhere even in the guilty and the criminal—and that is the ideal which under the banner of Mahatma Gandhi we have been preaching to the world. I assured you that we would not have been willing associates of these persons if we suspected that they are organising violence. Whatever may have been their views in the past, they are changed now. We have been assured by higher authorities that it is not so. But what is their information, please? Their eyes and ears are the police and we know how the police get evidence. Have you forgotten the Musalmanpara Bomb case and Naraingarh train wrecking case how police manufacture false evidence and on such evidence you arrest persons whom we are proud to call our friends? I know better and you can take my assurance whatever may be its worth. I can assure you that I know the views of some of them more intimately than the C. I. D. people know. We all know that they are known as old revolutionaries. Some of them were transported, some interned, some banished and some imprisoned, and all along the C. I. D. people have been watching and shadowing them. Is it possible for any such people to form any wide-spread organization? I know at least some of them. I am not going to influence the opinion of this Council but I only want to state my views. Do whatever you like, but I may tell you that if you really want to remove the evil, pass the resolutions. Those who oppose the resolutions will be responsible for murder or further outrages on law and order.

One word more and I have done. There are some charges against these people. Of course the question put to the Hon'ble Member in charge does not elicit what the charges are. But, Sir, we understand from the speech delivered by His Excellency yesterday and also from other sources that we can classify the charges under three heads. The first is that they have inspired organized murder and loot. I have given you my explanation of the murders and loots that are being committed and I can assure you that these people have not been connected with any such organisation. There is another charge against them that they have been preaching revolutionary ideas, through some inflammatory literature. What is that inflammatory literature? What does the Government mean by inflammatory literature? We have also read in some Anglo-Indian papers about this inflammatory literature. These writings are there, and why cannot the writers be tried under the law of Sedition? Cannot this literature also be proscribed? In fact they are not seditious. These papers, these books have preached non-violent non-co-operation. They say that violence is not suited to the conditions prevailing at present. They say that if there be any outburst of violence

all nationalists' activities will be paralysed by the repression which the Government will pursue. They also believe that Swaraj can be attained by non-violent methods. But they find that these non-violent methods are failing because there is a lack of initiative of determination, of perseverance, of sacrifice on our part. If you really want to build this nation you must supply these qualities by holding illustrious examples before the people——

Mr. PRESIDENT: That has got no connection with the present resolution. Non-co-operation has nothing to do with Regulation III.

Babu ANILBARAN ROY: I was explaining what sort of literature is being called inflammatory by Government and on account of which people have been interned. I was explaining what the evidence was, that these books, these papers publish lives of persons like Jotindra Nath Mukherji and Kanai Lal Dutta.

Mr. EDWARD VILLIERS: I must confess to a feeling of disappointment at the persistence with which these resolutions are being pressed in the House to-day. Those who initially were responsible for the resolutions being tabled must, I presume, have been actuated, by one of two motives: either they believed that many, or possibly all, of those who had been incarcerated under Regulation III of 1818 had been so detained under conditions which were unjust and unfair or else, admitting that the latter is not the case, they hold that the general conditions in the province did not warrant their further detention in as much as there had been removed from their midst that state of organised conspiracy to which His Excellency made reference in his yesterday's speech.

Now, Sir, bearing these two motives in mind, I have listened with the greatest attention to the arguments that have been put forward by those who supported the resolutions in question and I must say that in the main I consider the arguments which have been put forward positively beneath contempt. I can find no other words to give vent to my feelings—beneath contempt——

Mr. PRESIDENT: I do not think, Mr. Villiers, that that phrase is in order. You are entitled to say " beyond my comprehension " but not " beneath contempt."

Babu MANMATHA NATH ROY: May I ask, Sir, whether he is going to withdraw that expression?

Mr. PRESIDENT: Yes, he will withdraw it.

Mr. EDWARD VILLIERS: I withdraw that expression, Sir.

There has, however, been put forward one argument by Mr. Sen Gupta which on the face of it does appear to bear a certain resemblance to reason and that is that in these days of enlightenment and progress

it is unfair and " un-English " to detain men without giving them a chance of fair trial or the witnesses of cross-examination. Now, Sir, let me just quote this very Repressive Laws Committee's Report to which Mr. Sen Gupta made reference and on which, it seems to me, he seeks to base his argument. In this Report we find—on no less than two occasions that the Committee gives the answer to Mr. Sen Gupta as to why it is impossible under emergency conditions to use other than emergency remedies and to cross-examine witnesses. They say on the first occasion " the wholesale intimidation of witnesses rendered recourse to the ordinary courts ineffective." There is again reference to the same state of affairs: Evidence has been adduced to show that in certain places the ordinary law is inadequate and this evidence we are not prepared to reject." Further on they again make reference to the impossibility of obtaining evidence owing to the intimidation of witnesses.

Let us now turn to some of the other arguments put forward. Maulvi Nurul Huq Chaudhury, in his peroration, urges the release of these prisoners on the ground that we were dealing with, what he is pleased to term, " respectable citizens." I confess, Sir, that during my 35 years of life I have not learned to associate respectable citizens with that class of people who participate in murder, robbery and such other dastardly work.

Maulvi MD. NURUL HUQ CHAUDHURY: On a point of personal explanation, Sir. We, Indians, consider them respectable citizens against whom no crime has been proved in any court of law. There are in this Council men who have served imprisonment for over six months and yet they are termed respectable citizens.

Mr. EDWARD VILLIERS: But these gentlemen have not been imprisoned for anarchical actions nor for taking part in organised movements against the life and property of law-abiding and peaceful citizens. That, Sir, is the difference between the two aspects of the question. I come next to my hon'ble friend Babu Surendra Nath Ray. I may have been mistaken—I hope I was—but I certainly understood yesterday that he was going definitely to oppose the resolutions which I find he has upheld to-day. As I say, I may have been mistaken. But if I was not, I wonder what curious cataclysm has occurred since yesterday to bring about this fundamental change in Mr. Ray's attitude.

Babu MANMATHA NATH ROY: Is this in order, Sir?

Mr. PRESIDENT: The member is quite in order in referring to cataclysms whether physical or intellectual. (Laughter.)

Mr. EDWARD VILLIERS: It seems to me that nearly all the talk that has taken place this afternoon has had for its object the clouding of the real point at issue. The real point at issue seems to me to be this. Are we, as loyal citizens, are we, as those to whom the progress of this

province is especially entrusted, are we going to see that the province is administered in such a way that ordinary citizens can go peacefully about their lawful avocations without fear? His Excellency only yesterday told us clearly and forcefully his opinion and that of his Executive Council; an opinion substantiated by a Bench of two learned Judges; both of these have absolutely upheld the contention that in Bengal there does exist an organised state of intimidation and lawlessness, and that those who have been arrested under Regulation III of 1818 have been so done in the fulfilment of equity and justice. That is the issue we have to face. Sir, tempting though it be I do not propose further to quote from the report of the Repressive Laws Committee, but before finishing I do want to bring this Council back to a sense of responsibility which attaches to their action to-day, and to achieve this, I think I cannot do better than to remind them of the words spoken by Mr. Ramsay Macdonald two days ago in England, when he said "India can achieve progress only through constitutional means." He goes on to say: "I can see no hope for her if she becomes an arena between constitutionalism and revolution." It is for us to see this revolution is once for all wiped out from our midst. No one can seriously contend that the detention of these prisoners was intended for the suppression of ordinary healthy political opinion. We want all expressions of opinion, but we do not want that these opinions should be forced upon us at the point of the sword or the revolver.

Babu SURENDRA NATH RAY: May I make a personal explanation. If Mr. Villiers will remember, I had no talk with him about Regulation III of 1818. It was about the release of these prisoners that I spoke.

Babu BORODA PROSAD DEY: I consider it my sacred duty to give my support to this resolution, and I say so in open Council, and not by giving a silent vote to it. Whatever Government may think about these persons, the people of Bengal are honestly of opinion that they are all innocent persons, and they are entitled to stick to that opinion unless and until the contrary is proved. It is a maxim of British law that every person must be considered innocent till he is proved guilty by evidence which has been produced in a proper court of law. The people of Bengal are decidedly of that opinion and we have come here being elected by them, with a sort of mandate from them, that these innocent persons should no longer be detained without a proper trial. The spilling of innocent blood by misguided youths has been brought before the Government and before the Council as organised conspiracy and all that sort of thing. But I say if innocent blood has been spilt in some places, innocent humanity has been outraged by innocent persons being detained in this way, and as we have come from our electorate with a sort of mandate to see that these innocent persons are set at liberty, we are bound to support this resolution.

Mr. J. CAMPBELL FORRESTER: The whole point of the discussion made by the Opposition seems to me to rest on the cry that these prisoners have not had justice. They have not been put on trial. They ought to have been tried by Jury, etc. Well, I am quite prepared to accept the word of high officials of Government who are in a position to know; I am prepared to take the word of such men as Sir Hugh Stephenson, the Maharaja of Burdwan and those who are in a responsible position, and they hold that it is in the interest and safety of the public that these prisoners should be detained. It is our special duty, it is our first duty to protect and attend to our officers who look to the preservation of law and order in the city; it is our first duty to protect them. I would not be surprised, if these prisoners were released, that our police force would resign in a body as a protest. You will remember that after the assassination of the Deputy Superintendent of Police, Babu Basanta Kumar Chatterji, the Defence of the Realm Act was put in force and after that there was considerable quietness and no disturbance. I really cannot conceive of a people such as the Hindus, with such a policy and such a kindly religion, a really humane religion, which detests anything in the shape of crime, not recognising the risk of further assassination if these people were released. I am quite sure that the authors will find that their action will recoil on an unhappy people.

One of the members opposite made the remark that the art of cross-examination was an art learnt from Britain, and that the art of cross-examination ought to have been applied to these prisoners. If I am not mistaken he has gone through the various stages of law and having done so he must have found that the art of cross-examination cuts both ways and does not always tend to justice, which reminds me of a story of a judge up-country who found his court daily full of very untruthful witness! He resolved to endeavour to purify it and had to resort to certain measures to discover the truth. He stationed one of his peons alongside the witness armed with a long stick with a pin stuck at the end of it. Whenever the Judge thought the witness was not telling the truth, he waved his pen and the peon stuck the pin into a fleshy part of the witness. When this was repeated several times, the truth eventually came out. That was getting justice at the point of the bayonet or rather the point of the pin, but the Judge eventually purified his court. My point is that knowing the law here, the great possibilties of the untruthfulness of witnesses and the intimidation practised, I cannot conceive how these prisoners can be given an open trial. And of one thing I am convinced that they would not have been dealt with more justly, and deep down in their hearts they know it.

There are many other points I would wish to mention, but before resuming my seat there is one quotation from Burke which occurs to me which I think shows the position. He says—

> Show the things you contend for to be reason—show it to be common sense—show it to be the means of obtaining some useful end—then I am content to allow it what dignity you please.

I submit that those in the Opposition have not shown their request to be common sense nor have they shown it to be reason, and believe me they themselves would not take the responsibility of releasing these prisoners—why they even shrank from taking the responsibility of Government.

I strenuously oppose these resolutions.

[At this stage the Council adjourned for 15 minutes.]

After the adjournment.

Mr. HUSEYN SHAHEED SUHRAWARDY: I support the resolutions that call for the release of political prisoners detained under Regulation III of 1818 and particularly the resolution moved by my esteemed friend Kumar Shib Shekhareswar Ray. The evil that Government professes to combat cannot surely be very great, if one is to judge by the number of persons unrestrainedly imprisoned by Government, or shall we more euphemistically call it detained, as having been implicated in this alleged widespread, insidious, diabolical and unnatural conspiracy. To our mind the evil of interference by the Government with the liberty of the people without trial unfolds a vista of illegality and oppression which we cannot contemplate with equanimity. It is curious that the opinion of certain judges condemning the entire number of détenus, an opinion which is based on one-sided evidence supplied by informers anxious to earn a pittance, by departments sick of inanition and on the point of being dissolved for lack of work, leaves us cold, and I feel sure that not one of us is prepared to accept their verdict as just, considering the materials placed before them, and without knowing their personal prejudices. I would therefore request the members of the Council when they proceed to vote on the resolutions, to consider the merits of the resolutions and not be prejudiced against them merely because the discussions happen to be opened by a member of the Swarajya Party. For the main issue, when the resolutions are being discussed, is the merit of the resolutions and not whether we side with the party of obstruction or with the party of construction, whether we side with the party anxious to sweep away the traditions of an irresponsible and self-sufficient executive, and inaugurate a regime of sympathetic control and a wiser administration, or a party content to bask in sleek and splendid inanition without the power to construct, happy to let corruption and oppression, injustice and preferential treatment claim India for their hunting ground. I feel sure that no one in this House has been misled by the enthusiastic ignorance of Mr. Travers or by the superb lack of intellect betrayed by Mr. Villiers——

Mr. PRESIDENT: That phrase is out of order. You must try to be more courteous if you wish to express your feelings.

Mr. HUSEYN SHAHEED SUHRAWARDY: I withdraw that. The provocation was great.

Mr. PRESIDENT: The greater the provocation the more a member ought to exercise restraint.

Mr. HUSEYN SHAHEED SUHRAWARDY: I appreciate the justice of your remark. I withdraw. No one in this House has surely been misled with regard to the crime with which the détenus have been charged, and I think I will not go out of my way more than to inform them that their principal crime is the ineffable charge of conspiracy which is most difficult to prove in any well-conducted court of law, moreover, the charge of conspiracy to inspire crimes which they cannot in reality be connected. We have been asked if we could not suggest an alternative measure to this Regulation which may do away with the necessity of its application. The answer is so obvious that it scarcely needs recital. In order to do away with the political discontent, you should establish a system of Government broad-based on the people's will—a Government with a heart where there is merely a cavity now, a Government with a purse to spend more on the needs of the people than on the needs of its officers, a Government anxious to listen to the voice of the people. Should you do so as early as possible, should you sweep away the present system of Government, political discontent will disappear and the apparent need for repressive and desperate measures such as Regulation III of 1818 will have passed for ever.

Babu SARAT CHANDRA BASU: Upon this matter we have had considerable discussion. It caused me some concern to find that on either side great objections have been brought to bear. From one side we have heard that these détenus are innocent men and that they are respectable men. On the other side we have heard that there is strong evidence to bring home the guilt to the détenus. It being a matter of debate I think we should bring to bear an even mind upon the question. The détenus may be guilty, the détenus may be innocent. There are therefore two aspects of the case. Let us consider the matter from either aspect. We have heard especially yesterday from His Excellency the Governor that he has been advised in the matter by two very respectable Judges who have found that there is considerable evidence against these persons. This opinion thus expressed by him is entitled to our anxious consideration. Events have been happening in very recent times to which we cannot shut our eyes. But at the same time we ought to consider that people when charged with crime are entitled to have a trial. We all know—any pratical lawyer in the profession knows —that evidence may be brought forward by the police which might be considered to be satisfactory *prima facie;* but the *prima facie* aspect of the case is not the conclusive factor. Every Judge in the country knows the difference between an *ex parte* hearing and a decision passed upon hearing both sides. Time and often Judges have expressed regret in *ex parte* cases that their decision could not be considered satisfactory as they had not the benefit of hearing both sides. We have been

told that the idea is quite clear that these persons cannot be brought to trial because witnesses would be intimidated so that they would be unwilling to bear testimony against these persons. To that my answer is that this is the ordinary pretence almost in every criminal case in the country. It is known in the mufassal as the "Police *Hajmiguli*" or the digestive pill. That is the idle excuse that is constantly brought forward by the police for the purpose of screening their own guilt in bringing innocent persons to trial or of shielding their negligence in not bringing proper evidence to bear upon the case. The Judges always treat such excuse with the contempt it deserves and the Judges have sometimes humourously expressed to the police: "All right, I must acquit this time and wish you better luck in future." Therefore, in order to prosecute these men there is either evidence or there is no evidence. If there is evidence, as the police assures us there is, then let these persons be brought to trial upon that evidence and convicted and sentenced. Now these crimes tell very heavily upon the society. It is not only the European members of the community who have got to be afraid of it but the Indians are more concerned because it not only concerns their safety but it affects the safety of their children and relations. Now if there is really crime, it has been put in shade by covering it up in a bushel. It has now been acting as a snake in the grass. We do not know where to tread. We have got no opportunity of warding off the danger ourselves; nor of warning our friends, our relations, our children for avoiding the danger. Now instead of hiding the criminals in a bushel, bring their crimes to light, and if they are guilty punish them. So there is an alternative to the resolution that has been brought forward—either release them forthwith if innocent or bring them to trial within a week or within a reasonable time. If you find them guilty upon evidence in the case, evidence properly tested, and the whole case is gone through before the Judges, convict them and suppress the crime.

One thing more and that is this. Since yesterday we have been listening to the fact that it is our duty for the safety of the society to suppress these crimes. There cannot be anything more positive than that, but behind that we find something else. It is not only the suppression of these individual crimes but it is the eradication of the evil from the society that is necessary and to eradicate this evil of revolutionary crime what is required is to suppress the spreading of disaffection in the country. We all know that disaffection or the spreading of it is one of the most heinous crimes in every society. It is a crime not only on the part of the people of the country but it is equally a crime on the part of the persons in charge of the administration who cause disaffection and cause it to spread, and I believe that I am right in saying that one serious cause of disaffection has been the convicting of men without any trial. It is the denial of justice that causes more disaffection in the country than all the other causes taken together. From the number of the persons detained—we find that they are not very many—they are only 17, and 17

cases cannot take up very great time for bringing them to trial and bringing these trials to an end. These 17 persons may be tried and, if found guilty, they should be punished; and the people will know that the Government have acted rightly. If guilty, they should not have the pleasure of simply remaining in a Government house at Government expense for certain or uncertain time. If convicted, they ought to undergo terms of imprisonment so that it will act as deterrent to other people who want to follow that course. On the other hand, if they are not guilty, this incarceration of those 17 men causes an undesirable attitude in the mind of the people the effect of which is to cause very great misapprehension and serious disaffection which rapidly spreads in the society. Let this load from the mind of the people be removed and people will be happy. So I support this resolution and I hope my friends will carry it and thereby produce a real respect, faith and gratitude towards the Government for having brought these men to justice or if they are innocent setting them free.

Mr. H. BARTON: I am sure we have all heard the various arguments in support of these resolutions with considerable interest. Considerable force and much depth of feeling have been brought into the arguments advanced by the supporters of these resolutions, but unfortunately none of them has been sufficiently convincing to entitle us to support them. These arguments are merely repetitions of what we have been used to during the sittings of the previous Council. Not a single speaker has advanced anything new to change the attitude which this House adopted towards similar resolutions during the previous Council Session. If I remember rightly, Sir, when Lord Ronaldshay, the late Governor of this province, dealt with the same question, at a time when Calcutta was rife with sedition and political aggression, if I may use the word, his appeal to this House met with the fullest support of the representatives of every community. Each one gave a pledge on behalf of himself and every member of his Constituency to stand up on the side of Government in support of any measure for the maintenance of law and order. Some of those members have been returned to this Council and I hope they understand what the pledge given by them on that occasion means and that in giving their votes to-day, they will stand by their pledge as being the most wise step. I cannot understand, Sir, how in spite of the very clear exposition of the case by His Excellency in his address to this Council yesterday, there should be such a determination to give effect to these resolutions and yet no proof has been adduced to show that anything said by His Excellency has been based on pure fiction. I can well understand the feelings and the bitter resentment of those who claim for their fellow countrymen that, under British rule they should have the full measure of justice weighed by the standard of an important hearing in a court of law before being condemned. They make capital of the fact that there are only 17 people concerned and that it would not take a very considerable time to dispose of their cases if given a judicial trial. Sir, from what we

know of the law courts, and at least from what we know of the attitude of lawyers who will certainly appreciate the trial of every such case, we know that the Court on the one side and the lawyers on the other have a happy knack of prolonging cases for a long time, so that some body will benefit if every such case is brought before a law court. As touching the principle that a man must be heard, that he must be given a chance of defence and the evidence sifted before he is condemned, I need only cite the measures introduced to deal with the goondas in Calcutta. This very House supported the measure of Government and allowed them to deport out of Calcutta hundreds of these people and not a single man raised his voice against what is equally an injustice viewed in the light of these resolutions. If that measure was supported, well, what harm is there in allowing this Regulation III to stand? If we acted against the goondas on the same evidence as has been taken against the people now under restraint and if that evidence was good for the goondas, it should certainly be good enough for these people too. Unfortunately a matter of this kind is viewed only from the standpoint of the minority. Is the Government which is responsible to the people for the preservation of law and order, going to sacrifice the claims of the majority by releasing those people? So many have spoken deploring the attitude of Government, viewing it as outrages, scandalous and beyond anything they have ever heard, but not one of them has attempted to give us a guarantee that if these people are released, there will be no repetition of crime which has forced Government to take recourse to this measure. Will they give us that guarantee? Will they undertake to give some security to Government that if these people are released we shall be safe, and that there will be no political commotion? Are they prepared to say that these 17 people will not go abroad to sow the seed of sedition? Viewed from this standpoint it seems to me that Government has no other alternative in its responsibility to the people than to see that the Regulation is retained and operates not only to-day but so long as these crimes exist in Bengal. I think, viewed from this standpoint, even those members who try to defend these resolutions must realise that we are responsible to the majority and that no harm would result by keeping 17 men under restraint until some guarantee is given us that the country will be free from these crimes and that this political agitation will cease.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN:—I cannot help thinking that for the moving of these resolutions the time chosen has been inopportune and from that point of view the conception of moving them is doubly unfortunate. For, in the first place, yesterday we had a very lucid and very clear statement from the head of the administration as to what the real facts are to-day according to the information that the Government have. We cannot also overlook the fact that about 10 days ago a peaceful citizen of Calcutta who happened to be a European lost his life because he was mistaken for somebody else, and this has brought to the forefront among peaceful Europeans

in the province and in the city the question of preservation of law and order. If we take all these facts into consideration, we cannot help coming to the conclusion that this is not an opportune moment to move these resolutions. Be that, however, as it may, since they have been moved and since a good deal has been said both by the Europeans and Indians on the subject, it is my duty, as senior member of the Government on the executive side, to contribute to this debate for a very short time, for it is not my intention in any way to anticipate what my Hon'ble colleague, Sir Hugh Stephenson, might have to say or lay before the members of this House, nor is it my intention to reply seriatim to the various arguments put forward by some of the speakers, especially from the left wing of the House. But I must frankly admit that the speech which impressed me most—for it had a true ring of sincerity in it—although I may not be able to see eye to eye with the gentlemen who spoke, was that of Babu Anilbaran Roy, and I think that from the accounts of his work at Bankura one of the things that has hurt him most over these internments is that it affects the cause in which he is interested and which at present at any rate preaches *ahimsa*. He has lost some workers whom he thought were ardent and good. With that question I have no quarrel. Nor is it for me to discuss with him at length as to the merits or demerits of those that have been interned at the present moment. What I wish to point out to all those who have spoken with a certain amount of warmth and heat is that the mentality that they have produced with regard to their feelings of putting away men without trial is British mentality and for that reason I have no quarrel in the abstract with that mentality. But we have got to face facts. It is not the question that we are in any way ill-treating these men, it is not the question that we are making them undergo any imprisonment in the sense that imprisonment is looked upon in a law court. The question is that in view of the facts in the possession of Government, Government considers it its bounden duty to deprive some of these men of their liberty as ordinary citizens, so that they may be prevented from causing more bloodshed and making more organisation of the kind which unfortunately has been the experience of all of us in Bengal since 1907-1908 and onwards. I am afraid with those that challenge Government in thinking that everyone of those who have been interned is innocent I am unable at the present moment to argue, but I am sure that the Hon'ble Member in charge will no doubt try to put forward such facts as we do possess, or such facts as it would be safe to reveal at the present juncture. Whether they will convince those or not, I am unable to say, but Government could not in face of facts it possesses possibly be expected to give any effect to any of the recommendations made in these resolutions for it would mean abdication of Government and negation of all guarantees of law and order. If any of those who are moving these resolutions or supporting them believe that the information in the hands of Government could not be entirely false then they could not as lovers of law and order or of public safety possibly urge such steps without

running the risk of helping to a worse state of things than the Government anticipate at present. The results of divisions on these resolutions may be a foregone conclusion, but those results would never go to prove the true index of the political situation, and if they convey, which I hope not to be the case, the true mentality of educated Bengal, it would go to prove without any manœuvring on the part of co-operating or non-co-operating agencies who may be bent upon obstruction or destruction, that Bengal is not yet fit for responsible Government. I should like, therefore, those who for fear of displeasing their constituents or for fear of being terrorised want to vote for these resolutions to seriously consider this aspect of the question. Sentimentalism must eventually give way to grim facts and truth and so long as the creed of Government is to be based on law and order and not on murder, cowardly attacks or daylight robbery, nobody without bartering his manhood or without risking his rights of citizenship in any civilised part of the world could lend his support to any such recommendation. If on the other hand there are any in this Hall to-day who do believe that Government do possess certain facts and such facts make it difficult for Government to give effect to these recommendations I would ask them to seriously consider that instead of repealing the existing laws a time may be very near for strengthening the hands of the executive by these methods——

Maulvi MD. NURUL HUQ CHAUDHURY: Is the Hon'ble Member in order?

Mr. PRESIDENT: He is discussing the repressive laws and I think he is in order.

Mr. C. R. DAS: Are we discussing the repeal of Regulation III?

Mr. PRESIDENT: It has been called a monstrous regulation and some members have urged that it ought to be withdrawn at once. The Maharaja is trying to draw your attention to that point. I have heard it mentioned several times.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The question may arise of strengthening the executive instead of weakening it by those methods under the Defence of India Act which made it possible for the Government of Bengal to paralyse, if not partially destroy, the revolutionary movement in Bengal—a fact which has been candidly admitted by Nalini Kumar Guha in his extraordinarily interesting book on the revolutionary movement in Bengal. With your permission I should just like to read out one extract in Bengali. It occurs in page 153.

[The Hon'ble Member here proceeded to read the extract.]

Mr. NIRMAL CHANDRA CHUNDER: Is the Hon'ble Member entitled to read from a private publication especially when its author is alive?

Mr. PRESIDENT: I do not see how he is out of order. How can you say it is private publication when it is published? The extract is published in a book and anybody is entitled to quote from a book by a public or a private author.

Mr. NIRMAL CHANDRA CHUNDER: What I mean is this. If he were quoting from a Government report I could understand that, but he is quoting from a book the author of which is still alive and who is the editor of the *Swaraj*, a paper of the Maharaja's own party.

Mr. PRESIDENT: I do not quite see what all these matters have got to do with the point of order. A member is perfectly entitled to read from a book published by a private individual.

Mr. A. C. BANERJEE: Is the Maharaja reading from a document or book which is a reliable or an authorised publication in which he has faith himself?

Mr. PRESIDENT: All we know is that the Maharaja is quoting from a published book. If anybody impugns the accuracy of that book he can always reply in debate. It is not a proper case for a point of order.

Mr. A. C. BANERJEE: I want to ask if that be not a reliable publication whether the Maharaja has any right to mislead the House?

Mr. PRESIDENT: That is not a point of order. It is a legitimate matter to raise subsequently in debate.

Kumar SHIB SHEKHARESWAR RAY: Is it not a fact that the author of the book Nalini Kumar Guha was released on the condition that he would oppose the non-co-operation movement? Voices (Hear, hear.)

Mr. PRESIDENT: Kumar Sahib, no one knows better than yourself that that is not a point of order, but is a legitimate matter to raise subsequently in debate. I cannot be expected to know all these facts or quasi facts. I intend to give the Maharaja another five minutes as so much of his time has been taken up by these interruptions.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I do not know why all this furore has been made about the book which is to be got in the market and whose price is put down at Re. 1-4-0. It has been published by the Calcutta Printing Works but the point that I wanted to bring forward is simply this: that there are always two sides to a question. At present it is being argued that we should release those whom Government have interned. I do say that those that put forward that argument have not so far adduced any such weighty argument as would convince the Government that those persons should

be released. All those or most of those that have been interned had been interned before, and if what is admitted in this book be true and we know as a matter of fact it is true not because the author has written it, but because it is a fact, although a gentleman—I forget his name—tried to show that anarchism ceased in this province after Lord Hardinge's partition of Bengal in 1912, we were going on interning a large number between 1914—1916. Although that argument does not hold good I wish to point out that instead of all that those very gentlemen who are moving these resolutions might say for the release of these political prisoners an occasion may arise when for the safety of the province we may have to have more powers given to the executive to deal with the situation and for that reason I brought in the question of the Defence of India Act and no other. I wanted to point out that this book from which I read an extract admits that with the Defence of India Act plus Regulation III we were able to deal with the cases more effectively because under the Defence of India Act we were able to deal effectively only with the smaller sinews of the movement in a more effective manner. However what I wanted to point out in this connection was that so long as this Government is convinced that it has information which justifies it to restrain for the time being the liberties of a certain number of citizens for the sake of law and order and until it is proved to the contrary the Government has every right to stand by the position which was described so lucidly by His Excellency Lord Lytton yesterday.

Mr. C. R. DAS: I move that we continue the debate till 9 P.M. or as long as it takes to finish it.

Maulvi MD. NURUL HUQ CHAUDHURY: I second it.

Mr. PRESIDENT: Mr Das, the complaint usually has been that the House sits so late. I have never had such a motion before that the House should sit till 9 P.M.

Mr. C. R. DAS: We have got only two days and innumerable resolutions. The one result would be that if we adjourn at 7 we will never get to the end of them and that, I think everybody will agree, will be very undesirable.

Mr. PRESIDENT: I think, Mr. Das, if we adjourn at 7 o'clock to-day you may rely upon me to bring the debate to a close early to-morrow.

Dr. PRAMATHANATH BANERJEA: There are so many resolutions to move, Sir.

Mr. PRESIDENT: I don't want to shut down the debate which strikes me as a very important one. On the other hand I feel quite certain that if we sit until 9 o'clock to-night we shall be very tired and some of us will get out of humour.

Mr. C. R. DAS: I ask that my motion be put.

Mr. PRESIDENT: Mr. Das, I am afraid in this matter we are bound by statute. Sub-section (*3*) of section 72B of the Government of India Act states that any meeting of a Governor's Legislative Council may be adjourned by the person presiding. So that it is a matter entirely for my discretion and I cannot accept your motion to continue the debate.

Mr. C. R. DAS: That section does not mean that the House cannot vote upon it. You may or may not allow it.

Mr. PRESIDENT: I do not find anything in the rules which enables me to accept your motion.

Mr. C. R. DAS: That rule merely empowers you to adjourn the meeting at any time, but it does not compel you to exercise the power. If the reason upon which my application is founded is sound, then I hold that the President will allow the discussion to go on.

Mr. PRESIDENT: That is quite so, but I am endeavouring to find out if it is allowed by the rules.

Mr. C. R. DAS: I do not suggest that the President is bound to put the motion to the vote, but what I say is that the President is not precluded from putting it to the vote to ascertain the wishes of the House. Is it not open to the President to ascertain the views of the House when it is proposed to continue the debate till 9 o'clock?

Mr. J. A. JONES: In this connection I should like to appeal to Mr. Das' humanity to remember that many of us have already done a hard day's work and we are now anxious to have the necessary rest. We are perfectly ready to co-operate with him in securing a division early to-morrow, if that is what Mr. Das wants. On this side of the House there will be no attempt to prevent it. I would ask a humane person like Mr. Das not to compel us to go on with the debate any further than 7 o'clock to-night.

Mr. A. C. BANERJEE: May I ask if we may adjourn till 11 o'clock to-morrow morning and go on the whole day long?

Mr. PRESIDENT: The time of meeting of this Council is fixed at 3 o'clock by the Governor in accordance with the wish of the House. If the Council wishes to make a change in this matter, it must do so in the ordinary way, and the Governor must be requested to approve. We are at present bound by the rules to commence our business at 3 o'clock in the afternoon.

Mr. C. R. DAS: May I now ask, Sir, that the motion be put?

Mr. PRESIDENT: I do not propose to give up my authority in this matter of adjournment. It is in my discretion to decide whether the House should go on beyond 7 P.M. or should adjourn at that hour. Accordingly I rule that the debate shall go on till 7-15 P.M., and that it shall if necessary, be continued to-morrow at 3 o'clock.

Dr. H. W. B. MORENO: I maintain and I am sure that every sane person will maintain with me that the first duty of every government is the keeping of law and order. I know and I feel that the party on the left of you, Sir, is with me in a statement of that kind; for we must all hold that the first duty of the Government here in India is the maintenance of law and order; and the party which has as its creed *ahimsa* that is, the doctrine of non-violence must see that this law and order is preserved and no loophole is given to any revolutionary party or to any revolutionary attempt to upset the establishment of law and order in the country.

Now, Sir, bringing this principle to bear upon the discussion here this evening we have two diametrically opposite views; one is that of the Government that on the ground of the maintenance of law and order these people, who are styled as "the revolutionary party," should be interned under a Regulation which is put in operation in order to keep away all such people from such attempts at disturbing law and order in the country. We are also told by the members of the Government who have spoken in this House that they are fully aware that these people who are interned are people against whom they have the clearest evidence that they belong to a revolutionary type of people whose attempt is the direct overthrow of the existing Government. They tell us that there is the unbiassed judgment of two Judges who have gone through the evidence produced before that Board; they tell us that the Judges are in agreement with the views of the Government that these people should be interned. On the other hand there is the cry, and a rightful cry, if the conclusion is accepted that these men are innocent and that such measures need not have been taken against them. In this matter every man should keep an open mind, leaving all to the evidence adduced as being convincing or not on one side or the other. Some people hold that these men are innocent. Men have stood up in this House and have said that they have the most direct proof because they are the personal friends of the men interned and consequently know much more about them than the Government; they state that these men are thoroughly honest and loyal. It is not fair or right of us to accept this statement by itself. It is our duty to sift both sides and come to an unbiassed judgment. I think that so far as the persons who have an open mind are concerned it is right and proper that evidence should be brought before them in order to move them either in one direction or the other, but I realise the difficulties of the situation. How is the Government placed? Here you have a set of people who are determined at any cost to do away

with human life., who will plot against any principle of law and order and whose direct attempt is to destroy everything that can be advanced for law and order. The other side claims that these people should be tried before a court of justice. At first sight that seems to be a cogent argument, but here lies the difficulty of the situation. The real difficulty in bringing forward these people before a court of justice is that evidence has to be given, witnesses have to be cross-examined, people will have to be exposed to the public gaze and the lives of such witnesses may be put to danger; this is the difficulty which the Government has to face. We are told at the same time by the Government that it cannot play with human life; nor can it allow others to play with human life. On the other hand we have some people who say that if you do not do so, you leave them the inference that the victims are innocent, that you are afraid of appearing before a court of justice entirely depending upon police reports which are uncorroborated, that you have secured the judgment of two Judges who have not been in a position to sift the evidence placed before them by cross-examination and that you are thereby prejudging the cases of these people who are entitled to a fair trial before an impartial tribunal. We know how sometimes in a court of justice—in a small way I have been connected with criminal justice—that seemingly overwhelming evidence produced by the police is not considered sufficient by the Judge or Judges for the conviction of an accused and the man is acquitted; and generally the acquittal meets with the approval of all concerned. So far as outsiders are concerned, so far as men with an honest conscience are concerned, one would like to feel that this matter has been brought up to a point in which the bulk of the people would be able to see and hear the direct evidence against these people, that they are revolutionaries, which should be proved to the hilt. It is to the approval of the people that the Government must look to in the end. After all that is said this way or that way, it is really the approval of the people of India which has to be sought and the people are entitled to the fullest evidence to come to an unbiassed decision. I, therefore, think that so far as this matter is concerned, we would welcome, and I have been patiently waiting to welcome a definite statement from a responsible official of Government, that there is something to prove the guilt of these people and to show the hollowness of the argument of those who are claiming that these are innocent men. I hold an open mind but at the same time I shall be the last person to say that under the guise and pretence of innocence that these people should be set at liberty. I am sure the majority of the people of India will judge the whole case with an open mind; they will go over either to one side or the other according as they are convinced of the merits of the case. Such is the view I hold and I do earnestly hope that when the matter is placed by the Hon'ble Member in charge of the department concerned which deals with the release of these persons we will have some definite statement that will

give the lie direct to the people who say that these persons have been unjustly treated. If the members of this House are guided by the right principle of conscience there can be but one decision, that is, the support of Government if the evidence is convincing on their side. With these words I oppose the resolutions expecting to hear definitely from the Hon'ble Member in charge some direct evidence, some convincing argument to make me come to a just conclusion.

One word more. I should like to give my approval to the restraint exhibited by the members of the European and Anglo-Indian community in discussing this question. We have been treated to a good deal of invective on the other side and although there has been a dastardly murder in Calcutta the words of restraint used by members of the European constituency and the Anglo-Indian communities meet with my cordial support.

Mr. C. R. DAS: I move that the question be now put.

Mr. PRESIDENT: No, Mr. Das; I have given my ruling. The House will now adjourn till 3 o'clock to-morrow.

Adjournment.

The Council was then adjourned till 3 P.M. on Friday, the 25th January, 1924, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta on Friday, the 25th January, 1924, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Eecutive Council, two Hon'ble Ministers (the Hon'ble Mr. Abu Kasim Fazl-ul Haq and the Hon'ble Hadji Mr. Abdul Karim Abu Ahmed Khan Ghuznavi), and 121 nominated and elected members.

Allotment of further time for discussion of resolutions.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): I received a petition this morning from a number of the members of this Council asking that His Excellency might be approached to allot at least one more day for the discussion of resolutions. I forwarded the petition with my recommendation to His Excellency, and I am able to inform the Council that His Excellency has agreed that if we do not succeed by this evening in finishing the resolutions up to No. 25 on the Paper, we shall be permitted to meet on Monday, in order to complete the discussion of resolutions up to No. 25.

The remaining resolutions, viz., Nos. 26 to 48 will remain on the Paper and a certain number of days will be given for their discussion when the Council meets again in February. His Excellency will be approached later on at the March meeting to allot days so that these resolutions on the Paper up to 48 may eventually be dealt with and disposed of. (Applause.)

Members of Committee on Public Accounts.

Mr. PRESIDENT: I have to inform the Council that there will be no necessity to hold a ballot for election to the Committee on Public Accounts for the remainder of the year ending the 31st March, 1924, as out of the nine candidates who intimated their desire to stand for election three have withdrawn, leaving only six candidates, the number to be elected. I, therefore, declare the following candidates elected to the Committee on Public Accounts for the remainder of the year ending on the 31st March, 1924, viz.:—

1. Dr. Pramathanath Banerjea.
2. Babu Satya Kishore Banerjee.

3. Sir Willoughby Carey.
4. Mr. D. J. Cohen.
5. Mr. Syed M. Masih.
6. Dr. H. W. B. Moreno.

Panel of Chairmen.

Mr. PRESIDENT: I have nominated Maulvi Ekramul Huq to be the fourth member of the Panel of Chairmen.

Starred Questions

(to which oral answers were given).

Muhammadan probationers in Executive branch.

***XXV. Khan Bahadur Maulvi MUSHARRUF HOSSAIN:** Will the Hon'ble the Member in charge of the Department of Revenue be pleased to lay on the table a statement showing, district by district—

(*a*) the number of probationers in the clerical department of the Executive branch that have been appointed during the years 1921-22 and 1922-23 and 1923-24 (up to 30th September, 1923), and

(*b*) how many of them come from the Muhammadan community?

MEMBER in charge of DEPARTMENT of REVENUE (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) and (*b*) The statement is laid on the Library table.

Muhammadan probationers in Judicial branch.

***XXVI. Khan Bahadur Maulvi MUSHARRUF HOSSAIN:** Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a statement showing, district by district—

(*a*) the number of probationers in the clerical department of the Judicial branch that have been appointed during the years 1921-22 and 1922-23 and 1923-24 (up to 30th September, 1923), and

(*b*) how many of them come from the Muhammadan community?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) and (*b*) A statement is laid on the table.

Statement referred to in the reply to starred question No. XXVI, showing the number of probationers appointed in the Civil Courts during the years 1921-22, 1922-23 and 1923-24 (up to 30th September, 1923).

Name of district.	1921-22.		1922-1923.		1923-24. Up to 30-9-1923.		REMARKS.
	Total number of probationers.	Number of Muhammadan probationers	Total number of probationers.	Number of Muhammadan probationers.	Total number of probationers.	Number of Muhammadan probationers.	
Bakarganj ..	2	..	1	..	6	3	
Bankura ..	x	x	x	x	x	x	Total probationers—7. Muhammadan probationers—Nil
Birbhum ..	..	..	3	1	1	..	
Burdwan ..	5	2	2	..	..	..	
Chittagong ..	x	x	x	x	x	x	Total probationers—10. Muhammadan probationers—6.
Dacca ..	6	1	4	..	11	3	
Dinajpur ..	5	2	3	1	2	1	
Faridpur ..	4	2	7	3	3	1	
Hooghly ..	5	x	8	x	..	..	Total Muhammadan probationers—3.
Jessore ..	4	..	2	1	3	1	
Khulna ..	2	1	9	2	..	..	
Midnapore ..	8	2	11	2	6	3	
Murshidabad ..	3	..	7	3	..	..	
Mymensingh ..	3	2	6	2	9	3	
Nadia ..	1	..	6	4	..	..	
Noakhali ..	6	3	1	1	4	1	
Pabna & Bogra	1	..	2	1	5	1	
Rajshahi ..	4	2	1	..	2	..	
Rangpur ..	3	x	11	x	1	x	Total Muhammadan probationers—4.
Tippera ..	1	..	1	..	3	2	
24-Parganas ..	..	..	..	..	7	3	

Acquisition of land for shifting Goalundo Ghât station.

***XXVII. Mr. SYED M. MASIH:** (*a*) Is the Hon'ble the Minister in charge of the Department of Public Works (Railways) aware that a large tract of land has been acquired by the Eastern Bengal Railway and the Steamer Companies at Faridpur with a view to shifting the Goalundo Ghât station permanently to that place?

(*b*) If so, when was the acquisition made and what effect is being given to that proposal?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS [RAILWAYS] the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi): (*a*) Yes.

(*b*) The land was acquired in 1897 and in 1911 near the old Faridpur station. The river has since encroached and isolated the area from the rest of the line and the land has been relinquished to the Revenue Department for disposal.

Platform or waiting-room at Faridpur Railway station.

***XXVIII. Mr. SYED M. MASIH:** (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works (Railways) be pleased to state whether the attention of the Railway authorities has ever been drawn to the absence of a platform or waiting-room of any kind in the Faridpur Railway station?

(*b*) If not, are the Government considering the desirability of drawing the attention of the Railway authorities to this matter?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: (*a*) The attention of the Railway Company was drawn to this question in February last and the reply given by Government to question No. 37 by Babu Bhishmadev Das at the meeting of Council on the 8th February, 1923, was the result of their enquiry from the Railway Company.

(*b*) A further recent reference and recommendation to the Railway authorities has elicited the fact that the matter has not been lost sight of and that the construction of a new station at Faridpur is contemplated as soon as funds permit.

Resolutions

on matters of general public interest.

The discussion on the motion for release of political prisoners was resumed.

Release of certain political prisoners.

Mr. S. C. MUKERJI: I heard with very great attention the resolu tions which were moved yesterday in favour of the release of politica prisoners under Regulation III of 1818. I was thoroughly impresse with the sincerity, the earnestness, and the warmth of feeling with whic these resolutions were moved; and I was thoroughly convinced that the were moved in all seriousness and I found that the attitude taken u yesterday by the supporters of those resolutions was perfectly compatibl with the avowed policy of one political creed in this House,—viz., t obstruct, to create difficulties, to embarrass and, if possible, to produce complete deadlock, no matter where it led to, whether to a negation o the administration or a complete cataclysm. On the other hand, th speech of His Excellency the Governor at the opening of this Counci made it perfectly plain that Government was not going to budge an inch The situation, threfore, is extraordinarily difficult. A careful analysi of the speeches made in support of the resolutions made one thing per fectly clear that people detained under Regulation III of 1818 must b given the opportunity of an open trial and must be allowed cross-exam ination to sift any evidence brought forward against them, and th other alternative given was that if their guilt was proved, they must b convicted and sent to jail; if evidence was found insufficient or inade quate they must be released. No third alternative was suggested. I there a third alternative possible? Is Government under any circum stances whatsoever justified in using an emergency measure? Take concrete case. Supposing Government were of opinion, based o materials placed before them, that there was an organised conspiracy a revolutionary party, a secret political society with the deliberate inte tion of killing Government officials, with the ulterior object of subvertin established law and order, is Government justified in using an emergenc measure which is on the Statute Book, but which has not been used fo a time? In the *Mussalman*, a Calcutta paper of the 18th January read the following:—

> In view of the above confession, it would be idle to pretend that the crime wa not political in its inception and character. We think we shall have also to admit however painful the admission may be to us, that there is still the nucleus a criminal band in the country who have failed to absorb Mahatmaji's grea lesson of non-violence, and who still think that the high road to political libert lies through murder and bloodshed. Whether this opinion is widely held or no is not the question. The fact remains that it is held and the people who hol this opinion are apparently not without the means of organisation, nor withou the power of gathering new recruits to their fold. Such being our analysi of the situation, what must be the duty of our nationalist politicians and publicists To exhaust our energy in pouring epithets of condemnation will be useless—

Dr. A. SUHRAWARDY: What is the paper Mr. Mukherji is readin from?

Mr. PRESIDENT: Mr. Mukerji appears to be doing what nine out of ten members do. He is reading out his written speech.

Mr. NIRMAL CHANDRA CHUNDER: Mr. President, Sir——

Mr. PRESIDENT: Order, Order.

Mr. NIRMAL CHANDRA CHUNDER: I rise to a point of order.

Mr. PRESIDENT: One moment. Mr. Mukerji, are you reading from a newspaper?

Mr. S. C. MUKERJI: Yes, Sir.

Dr. A. SUHRAWARDY: Is he reading from the *Mussalman* or the *Statesman*?

Mr. NIRMAL CHANDRA CHUNDER: This is a comment on a case which is *sub judice*. I understand the case is still before the Privy Council.

Mr. PRESIDENT: That is quite a good point of order. I did not exactly hear what the extract was about.

Mr. S. C. MUKERJI: The extract is about a certain confession, on which the *Mussalman* has passed certain remarks regarding the conspiracy case which is *sub judice*.

Mr. PRESIDENT: If the case is *sub judice*, the newspaper quite improperly commented on it and you must not read that extract.

Mr. S. C. MUKERJI: Very well, Sir. My last sentence was: Is the Government justified under any circumstances in using an emergency measure? My answer is an emphatic "yes." I quote here a few lines from a speech of Lord Morley which was delivered in Oxford on June 13, 1909. His Lordship said:—

Reasons of State occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient grounds to institute any judicial proceedings, and the Governor-General is able, for good and sufficient reasons, to determine that A, B, shall be placed under personal restraint. There is no trial, there is no charge, there is no fixed limit time of detention, and, in short, it is equivalent to a suspension of *Habeas Corpus*. My view is that the powers given under Regulation III of 1818 do constitute an emergency power which may be lawfully applied if an emergency presents itself. Was there an

emergency last December? The Government of India found a movement that wa a grave menace to the very foundation of public peace and security. The list o crimes for 12 months was formidable, showing the determined and daring charact of the conspirators' movement. Terrorism prevented evidence. The ordinar process of law was no longer adequate and the fatal impression prevailed that th Government could be defied with impunity. The Government of India had no nee to pass a new law. We found a law in the armoury and we applied it—very di agreeable, but still effective. We should have been perfectly unworthy of holdin the position we do—I am speaking now of the Government of India and myself- if we had not taken that weapon out of the armoury and used it against the evi doers.

Then His Lordship goes on, but I need not quote any further.

Mr. Sen Gupta, in his speech yesterday, contended that it was agains all the principles of a free democratic State to keep persons in priso without placing them before a court of law. May I remind Mr. Se Gupta that in a democratic State like France as late as 1897 the systen of secret instructions flourished and as a part of the ordinary Crimina Procedure the accused is locked up in solitary confinement and in privat audience interrogated day after day by Magistrates who try to extort a avowal. [*See* Bodley's *France*, page 106.]

Mr. Sen Gupta also contended yesterday that in England during th war even the German spies had the benefit of trial before a Court Martial May I remind Mr. Sen Gupta that in England during the war hundred were interned. At first there was no appeal, later on there was an advi sory committee presided over by a Judge, but the accused were not allowe to see the evidence and to cross-examine on it. In the Irish Free State out of a population of four millions, three thousand people were interne only in September last year, without being given the opportunity of a open trial. Personally I do not like Regulation III of 1818. (Hear hear.) I wish the Government had not had any occasion for it. It i a matter of profound regret——

[At this stage the member reached the time-limit.]

Mr. S. C. MUKERJI: As you know, Sir, some portion of my time was taken away by interruptions.

Mr. PRESIDENT: You may go on for a minute or so.

Mr. S. C. MUKERJI: I wish the circumstances were such that there would have been no such necessity for Government to use such an emergency measure; but I am not prepared to say that at this most critical juncture Government should accept the resolution, release the prisoners and repeal the Regulation. I represent the Indian Christian community in this House and after the diagnosis of the present situation by His Excellency the Governor, I have not the least shadow of doubt in saying that the Indian Christian community in Bengal would not be prepared

to support these resolutions at this most critical juncture (Question; Question.)——

Mr. PRESIDENT: I should like to impress upon members on the left that when they delivered their speeches yesterday, they were heard without interruption; and I must ask them to exercise the same forbearance as they received from others yesterday.

Mr. S. C. MUKERJI: I hope the public will not be hood-winked by the outburst of a member of my community who is completely out of touch with it and who is smarting under a grave disappointment.

Khan Bahadur Maulvi MUSHARRUF HOSSAIN: I had no intention of taking part at all in the debate opened by Mr. Sen Gupta, but remembering I would be charged by some members on your left, with possessing a morbid taste in advancing the causes of my community only and moving resolutions in connection with it in future, I feel I am bound to take part in the deliberation of to-day. The Government, I understand, is taking the action of an alarmist now. As a loyal citizen, I would ask Government not to take alarm on these recent murders, and in the interest of the peace of the country and to safeguard the liberty of the people as well, I would suggest that Government should lay before the prominent members of this Council all the facts that the Government has collected against these 17 détenus in a round-table conference, so that the members may know for themselves the nature of the evidence which Government possesses against the détenus and which has induced Government to take the drastic action.

The publication that has been referred to by the Hon'ble Maharajadhiraja Bahadur in his speech yesterday and which is obtainable in the bazar can be neglected altogether. (Hear; hear.) Those who are secretly plotting for the overthrow of Government will not care to publish their programmes simply to court arrest and imprisonment. (Hear; hear). I fear the members of the Executive Council and other members of Government have been greatly influenced in their decision by this worthless publication. The attitude that the Hon'ble Maharajadhiraja Bahadur has shown in the debate has disappointed me, a staunch loyalist, altogether. I believe the détenus whose cases are before us had nothing to do with the foul murder that was perpetrated the other day—rather, the murder has proved that the detention of these persons has not succeeded in preventing these crimes. Government must then find out some other means of arresting the growth and spread of the conspiracy, if there be any, and I think that a change of heart of Government and of the mentality of the present officials, and the grant of the demands of the people will have a sobering effect on the minds of the younger generation. With the spread of education in the country and the development of political consciousness of the people it has now become imperative on the part of

Government to change its present frame of mind instead of becoming more *zubberdust*, as the senior Member of Government wishes the Government to be.

With these words, I support the resolution.

Khan Bahadur Maulvi MUHAMMAD CHOINUDDIN: I think the worst that can be said against Regulation III of 1818 is that as it is intended to put a restrain upon the personal liberty of the people, and as it detains people without a regular trial, this law must be a case of lawless law, and so there are many people who hold that it should be condemned and repealed and the men interned under the Regulation should be immediately released. But I would ask those gentlemen who have supported these resolutions to remember that there is such a thing as necessary evil in this world and there is an adage that necessity knows no law. I am sure Government is not enamoured of Regulation III of 1818 and Government must be sorry that they should be occasionally under the necessity of applying this piece of legislation which one of my friends has said is more than 100 years old; but still circumstances may arise when Government may be under the painful necessity of making use of this old Regulation. Can we not imagine the circumstances when a case may arise when we may be morally certain of the guilt of a man but at the same time we may not have in our possession sufficient of what is called legal evidence to place before a proper court of law? What should Government do in such peculiar circumstances? Government knows that this is not an ordinary law but an extraordinary law, and as extraordinary circumstances occasionally arise, there is the necessity for the occasional application of extraordinary or emergency laws. This is one of the reasons why we should not be so much aggrieved at this sort of legislation.

Further we know that Government have been using this law very sparingly. The fact that only 17 persons have been interned under this Regulation goes to show that Government have used this law very carefully, very guardedly, and very cautiously. Before we support this proposal we ought to know whether the men who have been interned under this Regulation had said or done anything which would have the bad and indirect effect of stirring up feelings of sedition or crime among other people. The words they use may appear innocuous but may produce worse effects than the free shots of maxim guns. So these men may not have committed any acts of violence but may have done such a thing as would have a very indirect bad effect upon the minds of our young people; they are therefore dangerous to society. I will ask the members of this House to consider whether Government is so stupid, so silly or vindictive as to unnecessarily send such a large number of persons, if they are really innocent to jail.

One of the charges levelled against this legislation is that Government does rely upon the police who in their turn have to depend upon

their unscrupulous and untruthful informers. There may be occasional cases of miscarriage of justice; but in the exigencies of the state, as I have said, some such measure is absolutely necessary. Then again one of the members explained yesterday and Mr. Mukherji also explained just now that this sort of proposal if standing by itself or considered in itself may not be so objectionable but it has been brought forward in this Council as an ultimatum from the Swarajya Party. (Cries of: "Question; Question.") If that be one of the objects—I think it is the object so far as I can gather from the newspapers—at least with regard to one of the resolutions which have been brought forward before this Council —then that is also another reason why I am against this proposal. As we read in this morning's newspapers——

Mr. PRESIDENT: You should not quote from the newspapers more than you can help; it would be far better if you were to quote from the speeches delivered in the Council.

Khan Bahadur Maulvi MUHAMMAD CHOINUDDIN: If that be their object, if their object is to embarrass the Government, then I would certainly disagree with that proposal.

Sir GEORGE CODFREY: I move that the question be now put.

Mr. PRESIDENT: Not just yet, Sir George. The Member in charge has still to state the Government case.

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): The Resolution recommends that all persons belonging to Bengal detained under Regulation III should be either released at once or placed on trial within a week. For reasons which I shall give shortly the second alternative can be disregarded because Government consider it impossible to place these men on trial before a court of law and I shall deal with the resolution, therefore, as one for immediate release.

The time at my disposal is short and it is impossible for Government to give a full and detailed statement of its case within the half hour that is allowed for Government's reply. I do not propose to deal with the argument that the Government of India are bound by any undertaking not to use Regulation III; that point should be raised in another place and I have no doubt Sir Malcolm Hailey will deal with it when it has been raised and it would be presumptuous in me to anticipate him. So far as Bengal is concerned the Regulation is there and all I have got to justify is the application by this Government to the Government of India for its use.

There is admittedly a strong sentiment which Government shares, against the use of extra-judicial methods to deal with crime. But there is a great difference between dealing with ordinary crime and dealing with revolutionary crime which is the outcome of a widespread conspiracy, having for its object the subversion by violent means of the existing Government. It is a mistake to imagine for a moment that the Government of India are alone in dealing with this form of conspiracy by special and extra-judicial methods. In all civilised countries the Government must have the power of dealing outside the courts with a conspiracy of this nature. It is only in England that this power does not exist in normal times. Professor Dicey in the "Law of the Constitution" brings out clearly the difference between England and continental countries on this subject:

"It is easy to perceive that the authority of the judges, exercised as it invariably must be, in support of the strict rules of the law, cuts down the discretionary powers of the Crown. It often prevents the English Government from meeting public danger by methods of precaution which would as a matter of course be taken by the executive of any continental country. Suppose, for example, that a body of foreign anarchists come to England and are thought by the police on strong grounds of suspicion to be engaged in a plot, say, for blowing up the Houses of Parliament. Suppose also that the existence of the conspiracy does not admit of absolute proof. An English Minister, if he is not prepared to put the conspirators on their trial, has no means of arresting them or of expelling them from the country. . . . . With us the State can punish, but it can hardly prevent the commission of crimes."

The safeguard in England is the Habeas Corpus Act and the course taken in England is to suspend the Habeas Corpus Act which has been done whenever necessity arose. The Crime Acts of Ireland are full of provisions outside the ordinary law and the Coercion Act of 1881 is practically a replica of Regulation III. The Rowlatt Committee's report, the memorandum of Mr. Justice Beachcroft and Mr. Justice Chandravarkar, the speeches of Lord Carmichael and those of Lord Ronaldshay show clearly why the ordinary law is not sufficient to deal with these conspiracies. There is first and foremost the question of evidence. It is only when a conspiracy is dead or rapidly dying that you have any chance of getting evidence which can be placed before the courts. While you are fighting a conspiracy all your efforts must be devoted to obtaining information and the moment you place that information before the courts the channels of information of whatever nature they may be, will at once dry up. We have tried it in Bengal. For 10 years we tried to fight the conspiracy by means of the courts and it was a losing fight all through. The Rowlatt Committee's report gives figures showing the infinitesimal results obtained from the courts; meanwhile the dacoities and murders continued unchecked and even on

an increasing scale. The accounts published by the revolutionaries themselves of the history of these years admittedly prove that practically no check was given in this way to the organisation, while the morale of the Government forces steadily weakened. It was not until 1916 when the Defence of India Rules came into force, backed by the use of Regulation III, that the conspiracy was slowly rendered powerless, and here again I appeal to the witness of the revolutionaries themselves whose writings recognise this fact as being beyond controversy.

The Maharaja cited certain quotations from a book yesterday. I maintain that that book is an indication of the mentality of the revolutionaries. It has been suggested by one member that the writer of this book was released from jail for the purpose of opposing the non-co-operation movement. I would like to expel that idea from your minds. The author in question was interned in 1915, made a State prisoner in 1916 and released in January 1920 long before the non-co-operation movement came into being; and I maintain that I am entitled to quote this gentleman's words as indicating the mentality and the thoughts of the old revolutionaries. I cite from the History of Revolutionaries in Bengal by one who took part in it. Speaking of the time when we were trying to deal with it in the courts he says: "Government realised that very little harm was done to the revolution. A few persons were punished but the revolutionary movement went on as usual in the country." But dealing with the later period he says: "to the Defence of India Act was added the Regulation of 1818. As a result of the net cast the Government were successful. From 1917 the revolutionary movement almost collapsed." I will further cite in my favour the opinion of the Repressive Laws Committee who clearly recognise the necessity of extra-judicial laws for fighting a revolutionary conspiracy. In dealing with this very Regulation III they cite the arguments for its retention in the following words: "The use of Bengal State Prisoners Regulation, 1818, in Bengal was necessitated by the revolutionary movement which the ordinary law failed to check. The wholesale intimidation of witnesses rendered recourse to the ordinary courts ineffective. Though we have evidence of a change in the attitude of individual leaders of the anarchical movement in Bengal we are warned that similar symptoms of intimidation have been noticed and that should there be a recrudescence of any revolutionary movement it would, in the absence of this old preventive Regulation, be impossible to cope with the situation and fresh emergency legislation will be necessary." They go on to say "We recognise the force of these arguments, in particular the difficulty of securing evidence or of preventing the intimidation of witnesses," and while recommending that the Regulation should be repealed they say, "in the event of a recurrence of any such emergency we think that Government must rely on the legislature to arm them with the weapons necessary to cope with the situation." Again when dealing with the Rowlatt Act they say, "it is, however, necessary to strike a note of

warning. While we think that there has since 1918 been some improvement in the situation so far as the anarchical movement is concerned we realise that strong measures may be needed for the suppression of any organised attempt at widespread disorder. We prefer, however, to leave this contingency to be dealt with when and if it arises rather than retain a statute which is regarded as a stigma on the good name of India." A government faced with a secret conspiracy of this kind has only two alternatives. It must use its powers to deal with it effectively outside the courts, or it must stand aside and abdicate its functions and give up the fight. In England the Government of the day would ask Parliament to arm it with the necessary powers and being the government it would *ex hypothesi* have a majority and would get the powers asked for. If it failed to do so it would resign and would leave to those who had refused the power, the responsibility of dealing with the situation. In Bengal we cannot take that course. We cannot divest ourselves of the responsibility and as long as there are powers at our hand which may be sufficient to enable us to deal with the situation it is undoubtedly our duty to use them. If those powers are not sufficient then we shall come to the Council and ask for further powers, and the Council may prefer to give us those powers in another form, but the power to be given must be efficient. I am optimistic enough to believe that should the occasion arise the Council will give us those powers because the alternative is the triumph of anarchy and murder. I believe that His Excellency was right when he said on a recent occasion " It is my belief that the people of Bengal have had enough of these revolutionary crimes. They have suffered under them for 12 years; they know what they mean; they know what danger they constitute to the impressionable youths of the province; they know too by what means alone these revolutionary organisations were finally suppressed and however much they may dislike them they would rather see them used again than that the evil should be allowed to revive." I challenge the statement that the people of Bengal are seething with excitement over the use of Regulation III. My information is, and I believe that the majority of this Council in their heart of hearts will agree with me, that the people of Bengal, though they are grieved at the necessity of such measures, are determined at all costs to prevent a repetition of anarchical crimes and are satisfied that Government had good grounds for the action they have taken. The arrests of last September were followed by a desultory press campaign and a few public meetings, but the organisers of this campaign themselves deplored the lack of interest taken in the matter by the public at large.

But if we admit that special measures are necessary to deal with a secret or revolutionary conspiracy, the next question arises whether there is such a conspiracy in existence now. In dealing with this part of the question for obvious reasons I cannot lay before the House the detailed information in our possession but I think I can show beyond question, if

there is anybody in this Council who doubts it, that the answer is in the affirmative. Let us go back to the last revolutionary conspiracy. Although the same sort of things were said at that time—that there was no proof of such a conspiracy, that it was the invention of the police and that the dacoities and murders which occurred were isolated offences which had no reference to political object—yet I think there is no one who would venture now to doubt the existence of that conspiracy or fail to recognise the means by which it was finally scotched. Here again the revolutionaries themselves have borne witness in the public press and in the books they have written. After the application of the Defence of India Rules and Regulation III had broken the power of the conspiracy the policy of Government was to release from restraint gradually individual members after they had become disentangled from the coils of the conspiracy and I gladly bear witness that in the majority of such cases there has been no return to revolutionary ways. Government gave these men a considerable amount of assistance in enabling them to settle down and in most cases I am referring to they have done so. At the time of the inauguration of the Reforms, however, there were still under restraint a comparatively small group of people who, we feared, were irreconcileables. They were all released in the hope that the dawn of a new era would accomplish what we had been unable to do and I say without hesitation that they were given full opportunities to take up life as free men in any direction they desired. Within a year, however, it was evident that some of these men were devoting their energies to reorganising their old society on the same lines as before but with particular care to avoid the mistakes in organisation which in their view had contributed to their defeat. They took advantage of the non-co-operation movement to extend their organisation. Do not let me be misunderstood. I am not suggesting that the non-co-operation movement had anything to do with the revolutionary conspiracy but only that these men found the non-co-operation movement and other movements a convenient cloak for their operations. Their methods were the same as before but the structure of their organisation was designed to give better security by being divided up into watertight compartments. Chapter V of the Rowlatt Committee's report discusses the nature of the organisation of the old conspiracy and quotes documentary proofs of their method of working and the system of discipline. The gradual seduction of youths, their gradual initiation to sedition and revolutionary crime, their so-called military training which was really only training for crimes of violence, their system of terrorism and their enforcement of discipline are all set out. As regards terrorism let me quote the testimony of an important member of the conspiracy in a recently published book: "Those who had done any harm to revolutionaries were not easily let off. Deeds done in 1908 were avenged so late as 1913-14." Again "A man who had done an injury to revolutionaries 8 years ago, he is not doing any harm now—but even he is not to escape scot free, he must be punished—this will deter the common people from

going against revolutionaries." Again "Murder was considered by the revolutionaries as only punishment inflicted on enemies." Again "A police officer or an ordnary man had caused different degrees of harm, some slight some great, some more some less, but the punishment was the same." We have documentary evidence that the same organisation, the same aims, the same methods are in the minds of the leaders of the present conspiracy. Let me add to this the gist of the oath administered to an initiate last year: "Never take liquor; never visit a prostitute or cast your eyes on a woman; never care for your life; you will have to implicitly obey your leader; if he asks you to lay down your life you will have to do so, and even to take life——

Mr. J. M. SEN GUPTA: I rise to a point of order. It seems to me that the Hon'ble Member is referring to a statement made by a witness who is being examined in a case in Alipore to-day.

Mr. PRESIDENT: I do not know what he is referring to in the least.

Mr. J. M. SEN GUPTA: He is referring to the statement of a witness examined in a case that is being tried in the Alipore Sessions.

The Hon'ble Sir HUGH STEPHENSON: I am referring to a statement made to the police.

Mr. J. M. SEN GUPTA: But this is *sub judice*.

The Hon'ble Sir HUGH STEPHENSON: If the statement is objected to, I will omit it.

I will read to the House a letter received within the last few months by the public prosecutor. "Remember the fate of Ashu Babu and ask K. Babu not to forget the tragic end of Deputy Superintendent of Police at High Court." The House will remember that Ashu Babu was the public prosecutor shot at Alipur and the cruel murder of that devoted public servant Shamsul Alam is fresh in our remembrance. I ask the house to cast their recollection back to the old days of revolutionary crimes. Remember the dacoities conducted to the sound of the bugle and words of military command. Remember the utter callousness with which these men took life. Think of the Armenian Street dacoity when two jewellers were mercilessly shot down in their own shop and when in the indiscriminate firing one of the dacoits was seriously wounded by his own fellows, how they took him to the riverside and shot him in cold blood for fear he should furnish a clue. Remember the youth who threw a bomb into Mr. Cowley's motor car at Writers' Buildings and confessed that he had set out to murder Mr. Denham, a police officer, and had made an unfortunate mistake. He gloried in himself as a hero and called on others to follow in his steps. We know that that youth had been carefully trained for that particular murder and was only let loose to commit the murder when his superiors considered that he had been fully

trained and was a fit instrument of their designs. I put it to the House that similar methods will produce similar results. In all the history of revolutionary crime, and we know practically every detail of the revolutionary crime of these years, there has not been a single instance of any individual outrage,—the murders, the dacoities the extortions were all planned at headquarters either of the society or of the group and then handed over to the violence section to execute.

For the purpose of recruitment in accordance with the methods previously followed the party have relied on a net-work of *asrams* to which the youths of the neighbourhood were to be attracted so that the poison might be gradually instilled into them. The effects of these are likely to be as disastrous to the youths of Bengal and to bring as much sorrow to their parents as the efforts of the revolutionaries in the old days. I may cite as one instance the case of two students, sons of *bhadralok* parents in Jessore, who disappeared together from their respective messes in Calcutta last September. A friend of one of them wrote to the father just before they disappeared and warned him that his son had become imbued with revolutionary ideas and was acting very strangely. Before the father could interfere the son had disappeared and the father enlisted the help of the police to trace him. The youths eventually returned to Calcutta and were traced and handed over to their parents. One admitted that it was under the instruction of a revolutionary leader with whom he had been brought into contact that he decided to discontinue his studies and leave Calcutta and devote himself entirely to the country's cause. He said that the idea of the revolutionaries was to establish revolutionary centres in different parts of the country in the guise of *asrams* (and we know that they have carried out this idea) and they should obtain the sympathy and goodwill of the people by distributing medicines and carrying on philanthropic work, but their real object was to recruit boys for secret revolutionary organisations so as to bring about eventually the freedom of the country. It may be asked: What was the object of these youths disappearing? It is given in the following quotation from a book I have already referred to by a member of the conspiracy: "At the time of which I am speaking there were many revolutionaries who had left their homes and were going about under false names. Those who were known to the police and those who were absconders alike took false names and for the special convenience of work recruits were obtained from men who had not come under the notice of the police at all. It was these unmarked men who were most useful because while the marked men could only come out at the risk of being discovered, these others could go about in comparative safety. In fact it was these homeless people (or rather people who have left their homes) who were the workers of the revolutionaries." Had it not been that the leader referred to had already been arrested these boys would never have come back and the next time their parents saw them might well have been in the dock on a charge of murder.

We know that some of the leaders of this party are in touch with the agents of the Third International in Moscow whose avowed object is to bring about revolution and anarchy in India and we know that money and arms have been received from those agents. We know also that the revolutionary party are in possession of weapons and a considerable quantity of ammunition which cannot be obtained in India and must presumably have been smuggled from abroad. We know that there are two schools of thought among the leaders, one of which wishes to perfect the organisation in order to bring about an armed revolution and the other presses the necessity for immediate violence for the purpose of terrorism, for obtaining funds and for keeping the organisation together. In the middle of last year we had knowledge of a definite organisation for the purpose of assassinating police officers and the movements of those police officers including Mr. Tegart were carefully watched in furtherance of this object. The watchers were traced to premises known as revolutionary headquarters. From the latter half of 1922 there has been what appears to be an organised journalistic campaign growing in intensity and culminating in the months of June and July 1923. The method of this campaign was the glorification of the old revolutionaries, the idealising of the youths who committed murders and other crimes in those days; and though some half-hearted remarks were generally made to the effect that violence was no longer desirable, the revolutionaries were depicted as heroes, for whom all must have unstinted admiration, and as noble examples for the youth of Bengal. The effect of this pernicious literature on the youth of Bengal can well be imagined and when we remember that in the old revolutionary days an output of Swadhin Bharat leaflets and greater violence of writing in the Jugantar almost invariably preceded outrages, the significance of this campaign becomes more sinister. I am precluded by the rules of this Council from referring to any recent occurrence for which persons are being prosecuted and whose case is *sub judice* and I cannot, therefore, bring my story up-to-date. I would only, therefore, quote a passage from the report of the Judges before whom we placed the whole of our material——

Mr. C. R. DAS: I rise to a point of order. The point is that unless the whole of the report of the Judges is placed before the House, one extract from a particular portion of the judgment ought not to be referred to.

Mr. PRESIDENT: It is no judgment. It is the report of a committee of two judges. The Hon'ble Member is in order.

The Hon'ble Sir HUGH STEPHENSON: "The first question we have to consider is whether a revolutionary conspiracy exists or not and this we have no hesitation whatever in answering in the affirmative. The evidence on the point is overwhelming and it is hardly necessary

to discuss it in detail. It is not a question of the formation of a new conspiracy but of the recrudescence of the old one working through the same organisation and under the same leaders and following the same methods."

Preventive measures are a well recognised part of the criminal code of this country. Let the Council bear in mind that as I have said before the leaders have always in the past been responsible for every act of violence and remember the miseries caused by the revolutionary conspiracy in the past to the whole of Bengal and in particular to the parents in Bengal and then ask themselves whether it is not the duty of Government to take preventive measures against the leaders. Are these men to remain free in the background to plot outrages for others to execute, to seduce and corrupt your sons and wards and turn them into instruments of murder of innocent men and then leave them to pay the penalty on the gallows.

The third point raised is that of the individuals. Granting that there is a conspiracy and that extraordinary measures are necessary to deal with it, are we sure that we have got the right men? Here, I am even less able for obvious reasons to give particular details but I take my stand on the past. During the years 1916-18 Government put under restraint something like 1,200 people. The evidence on which Government acted has been discussed at length in the Rowlatt Committee's report and in the memorandum of Justices Beachcroft and Chandravarkar and they have given the reasons in full why that evidence is intrinsically reliable and why it is practically impossible for false information to stand the test for any little time. A revolutionary conspiracy is a continuing thing and the evidence regarding it is converging evidence and continuing evidence. False or mistaken information cannot fit in with this continuing whole and false information can only hamper the work of dealing with the conspiracy. Lord Ronaldshay in his speech in Council gave a very instructive account of the nature of the evidence as illustrated by the Armenian Street dacoity case. The Rowlatt Commission examined the evidence in a large number of cases. Mr. Justices Beachcroft and Chandravarkar examined some 600 or 700 individual cases and in only 6, and those minor cases, did they find the evidence fall short of practical proof. As I know that even High Court Judges are found fault with when their decision does not concur with the wishes of the critic I will, therefore, appeal again to the evidence of the persons principally concerned, namely, the revolutionaries themselves. The 1,200 men who at one time or another had been placed under restraint have now been free men for at least three years. They have been back to their family and amongst you all and are removed from any control of the police or Government yet there has never been a serious allegation that Government dealt with the wrong men. Take their writings in the press, take their books, they give a full history of the revolutionary conspiracy, some of them glory in their part in it

and not one of them ever asserted that either he or any of his companions who were dealt with by Government were not concerned in a revolutionary conspiracy. I appeal to that record. Our methods are the same, the evidence on which we work is the same and to some extent the men with whom the decision rests are the same. I myself dealt with a large number of the old revolutionary cases and knew many of the revolutionaries personally. The case of each man has in the first instance to satisfy the police; it has then to satisfy this Government and it has finally to be scrutinised by and to satisfy the Government of India. For fear that we might be influenced by what is called executive bias we have placed the evidence regarding each individual before two Judges. There is much misunderstanding with regard to this. We do not regard it as in any sense an equivalent of a legal trial; it is merely a procedure for our own satisfaction. We placed the evidence before two men who have spent their lives in weighing evidence and who have no direct responsibility for law and order and we asked them to give us their considered opinion whether the evidence before them is sufficient to amount to a practical proof of participation in the revolutionary conspiracy. We believe that the action we have taken was imperative in the existing circumstances and that the safeguards we have used are sufficient to rule out any reasonable chance of injustice. The release of the persons in accordance with these resolutions means the abandonment of all attempt to cope with the conspiracy and I may, therefore, confidently ask the Council to reject the resolutions.

Mr. C. R. DAS: We have to deal with a question which to my mind is much more simple that it has been made out to be. The Hon'ble Member in charge has placed before us, I take it, an abstract of the information which is in the possession of the Government. It is not our grievance that the Government has put these men under arrest without any information at all, but our grievance is that this information is not properly tested, and as regards this grievance we have heard not one word in answer (Hear, hear). We have been told that there are statements made by several persons, we have been told that there are reports made and we have been told that these reports have been considered by the Government. What I want to ask is how can any Government officials, however gifted he might be, be in a position to test the truth of a statement, unless the man who makes that statement is brought before him and questioned on it. I submit it cannot be done. What is usually done—and I take it that is the usual procedure—is that a report is made, the report is read, of course the report contains the information which would be sufficient in the opinion of the officials concerned for the application of a particular Act. And then I take it that information is countersigned; it is sent up to the Government of India, and then it is sent up before two Judges. The wonder is that Judges can be found to adjudicate upon dead records. These Judges submit their report, and what do we hear? The report is confidential. We are favoured with

extracts from here and there—to prove what? Not one single reason or argument is placed before this House. The whole position is this: "We have done it, trust us." Well, I can assure the Hon'ble Member in charge that the whole country is almost definitely of opinion—When I say that, I mean the vast majority of our country men—is definitely of opinion that these persons who have been arrested lately ought not to be detained any longer (Hear, hear). Is that opinion wrong? I venture to think no. The Hon'ble Member in charge has given you certain specific instances without names. I am not complaining against that. But let me give you what has happened in my own personal experience and my experience is as good as that of any body else in this House. The Hon'ble Member has conceded—and I am thankful to him for making that statement—that the non-co-operation movement has nothing to do with this. In fact it is the principle of the Indian National Congress to which I feel proud to belong—it is the principle of the Indian National Congress that our liberty is to be attained by non-violent activities, and it has been my endeavour for the last few years to approach these young men who some time or other belonged to revolutionary societies to bring them over to the Congress and prove to them that we cannot attain our liberty by the application of violence, and I say I have succeeded in rescuing many of them. It is only the other day that some of them came over to my side. They gave their solemn pledge, their word of honour, and I would ask you to remember that these men, whatever their fault may be, they are men of honour—truthful men— they are not in the habit of telling lies, and they pledged their honour before me that they would never take part in violent activities. But to my horror what do I find? I find that within a few days they were pounced upon by the police and lodged in jail. For what offence we could not ascertain at the time. Afterwards we were told that they were detained under Regulation III of 1818.

Now, I will give you a few interesting details. A question was put in this House as to whether any definite charges were put to the prisoners —I want to draw the attention of the House to the question. Now, what is the reply. The answer is "Charges have been put to all the prisoners." Now, with regard to definite offences with regard to the question as to whether the charges were definite, the answer is "*vide* the previous answer," i.e., that charges have been put to all of them. Everybody understands the distinction between "charges" and "definite charges," and I declare in this House that no "definite charges" were ever put to any one of them. If the Hon'ble Member has quoted an extract from a report of Judges, let me quote you also one extract from my report. We obtained permission to visit these prisoners—a good many of them. We sent our friends to them. They were asked specifically with regard to what had happened, and I will now place before you facts from the report I obtained from my friends.

These are the charges that were placed before them—"You are a Bolshevik agent." That is charge No. 1. "Was any definite proof

placed before you?" "No." "What did you say?" "I said it was an abominable lie." I am quoting from my report. I ask you to consider supposing any one of you is charged like that—that you are a Bolshevik agent—how are you to prove that you are not a Bolshevik agent? Suppose I am charged like this, how can I prove that I am not a Bolshevik agent? Because some one reported something—a spy somewhere has said something that so and so has done such and such a thing which is untested—am I to be charged like that? The man who has made the statement must be brought before some responsible officer. He should be cross-examined to show the utter hollowness and falsity of his statement. With regard to these men I cannot believe for one single moment that they are Bolshevik agents.

Then there is another charge—"You are privy to the murder of police officers." Which police officers they asked. The information was denied. When did the murder or murders take place—they asked. This information, too, they were denied. I ask you, in all seriousness, how is it possible for a man to answer a charge like this? "You are privy to the murder of police officers." They can only say that it is a lie, and abominable lie. That is what they said.

Then the third charge is—"You are an associate of so and so," so and so being one of the other persons interned. Of course it is possible to be associated with these men without being guilty of murder. If that charge is preferred against me, I am afraid, I have to plead guilty to that charge. Some of these interned were my associates—they are men of honour, they have worked with me and they have gone to different places with me and preached the doctrine of non-violence. I am proud of them.

Another question was put to them—"You were preaching sedition and publishing inflammatory literature." Of course the inflammatory literature is before the Government. There were many sedition trials, and if it is sedition according to law, why were they not put upon their trial before a court of law so that the charges against them could be proved? These are the kinds of charges that are brought against them.

My point is either there is evidence in the possession of Government which the Government believes sufficient to prove their guilt in a court of law or there is none. If the Government does not believe it, the Government has no right to detain them (hear, hear). If the Government has in its possession evidence which it believes to be true, let them be produced for trial in a court of law. The Government dare not produce them for trial because there is no evidence against them.

Then there is another side of the question and that is this: the question of policy—a question which is more important than the question of guilt or innocence of these men, and that is the question to which I shall refer before I have done. I ask the Government to seriously consider—

does the application of these lawless laws, as I call them—these repressive orders, executive decrees—can it possibly put an end to revolutionary movements. I do not deny that in Bengal there were revolutionary movements and I say unfortunately for us, for those who belong to the Indian National Congress, these revolutionary movements exist and will exist as long as wisdom does not prevail in the administration. I ask this question solemnly—in the history of the world, has revolution been ever checked by repressive legislation? It has never been checked. I am told that when these internments took place the revolution was suppressed. It was not suppressed. If it was suppressed why has it raised its head again as it is admitted to have done? It was not suppressed. It buried its head underground. Every time you apply these regulations, every time you send people to jail without trial, you create disaffection. I will ask you to seriously consider—Can revolutionary crimes cease if disaffection increases? By acts of terrorism they might be cowed down. Remember, the man who throws the bomb is not the only terrorist. He is a terrorist undoubtedly. The man who shoots innocent fellow-citizens is a terrorist, no doubt, but he is not the only terrorist. There are unconscious terrorists and these terrorists are those who practise upon the fear of citizens. Let me quote an extract I made from an English newspaper a few years ago:—

> Every one who talks of the need of law and order while ignoring the still greater need for justice is a terrorist. The terrorist is a man in terror trying to strike terror in somebody else. Thus anyone of us is liable to become a terrorist on occasions of panic and excitement.

If the Government has any reason to suppose that the revolutionary movement will increase in strength, then the only thing they have got to seriously consider is how to satisfy the people of this country. It is admitted that these revolutionaries are patriots. It was stated by His Excellency the other day for whom we have the highest respect that these revolutionaries are patriots. They are out to gain the liberty of their country.

We are told that the Government will not be coerced. If by coercion is meant the application of physical force, I agree. But if that statement means that the Government is not to yield to the wishes of the people, I differ entirely (hear, hear). If it is stated that Government is not to be coerced, may I not make this declaration on behalf of the people of this country that the people of this country will not be coerced either (hear, hear). Therefore what is wanted is a change of heart. That is the only peaceful solution of the question and I ask you seriously to consider this. I ask you to pass this resolution and I appeal to the Government to accept this resolution as a proof of that change of heart upon which and upon which alone depends the peaceful solution of this problem.

Just one word more and I have done. His Excellency—I beg your pardon—I mean the Maharajadhiraja Bahadur of Burdwan yesterday

made use of an argument which sounded very much like intimidation. It was certainly not his intention to do so, I admit. But what the Hon'ble Member said was this—that if the resolution was passed, the Government will not accept this. He was asking you not to accept this resolution and one of the reasons upon which he relied was that the Government would never accept our recommendation and that therefore you dare not pass this resolution. Because the Government would not accept the resolution, you were told you should not pass it. That sounds like intimidation. Let me assure the Hon'ble Member that this House will not be intimidated, and that in spite of what he has said this House will pass the resolution.

[At this stage, the Hon'ble the President left the chamber and the Deputy President took the chair.]

Mr. J. A. JONES: I am extremely disappointed by the eloquent speech of Mr. Das. I am disappointed because he has failed, it seems to me, to do what was his clear duty to disassociate himself absolutely from this criminal revolutionary movement which the Government are attempting to tackle. I know he did not mean it. But when in this House he proclaims before the whole of Bengal that these young revolutionaries are patriots, I must say that he is conveying a false impression. I am disappointed because he does not distinguish between the different kinds of patriots. There are patriots who really desire to achieve the liberty of their country by regular and constitutional means through the institutions which already exist and can be worked, and there are patriots —mistaken patriots who attempt to take a short cut by means of daggers and revolvers.

I contend that it is up to the leader of the party opposite to say definitely and clearly before this House and before the whole of the province that he repudiates the party of the revolver and the bomb. I am disappointed because in his account of these revolutionary persons under discussion Mr. Das really seems to invite us to believe that the members of the Bengal Government are consummate idiots. I do not want to put their quality too high—they can speak for themselves. They may not be statesman of the first rank; they may not be profound constitutionalists but I think we all admit that they have got excellent common sense. Now being men of common sense, does Mr. Das seriously ask this House to believe that these men have caused to be arrested a certain number of persons without having satisfied themselves to the last degree that there is a conspiracy? We know that a result of an extraordinary action of that kind is that it is subjected to an attack in this House. How can they hope to reply to that attack, how can they hope to answer that condemnation if they have not been anxious to satisfy themselves that they are working upon safe ground? In the second place is it reasonable to suppose that men of common sense would arrest anybody knowing what they were in for in making that arrest, without having taken the most careful precautions to make sure of their action? Yet Mr. Das upon the strength

of certain conversations invites us to believe that they have behaved in a way worthy of Gilbert and Sullivan. Frankly I do not believe it nor do I believe that Mr. Das does. I am perfectly certain that on this point he is misinformed. Mr. Das has told us—again I am disappointed—that there has been no attempt to prove or test the evidence on which action has been taken. Well, it is in the recollection of the House that Sir Hugh Stephenson mentioned the very significant fact that out of 1,200 persons who were interned in the old conspiracy not a single one had ever challenged the justice of that action. (Cries of: "Question.")

Babu SATYENDRA CHANDRA MITRA: I am one of those who were interned and I challenge the statement. There was no definite charge which I could not perhaps meet and I was innocent of all the charges.

Mr. DEPUTY-PRESIDENT (Major Hassan Suhrawardy): I think the Hon'ble Sir Hugh Stephenson said "seriously challenged."

Mr. J. A. JONES: I apologise to the Hon'ble Member if I have misrepresented him. In that case with this exception 1,199 of the persons who were interned had not challenged the justice of the action taken.

Mr. C. R. DAS: Will you kindly call upon Sir Hugh Stephenson to tell us how they could seriously challenge anything?

Mr. DEPUTY-PRESIDENT: Sir Hugh Stephenson will most probably speak again.

Mr. J. A. JONES: I may tell Mr. Das that one way of challenging a decision of Government is to write a letter to the newspapers. (Laughter.) It would greatly add to the circulation of the *Forward* to publish a number of such interesting letters but I do not think he will. I am disappointed also that Mr. Das who is expected sooner or later to become the leader of the Government——

Mr. C. R. DAS: Not unless it is changed.

Mr. J. A. JONES: When he undergoes a change of heart. (Laughter.) I am disappointed that recognising those responsibilities which are ahead of him he is not prepared to admit what every government in Europe has been compelled to admit that we could not deal with secret revolutionary crimes by open courts of law. Mr. Das knows as well as anybody else in this country that there was a laborious and conscientious attempt to put down revolutionary crime by many modifications of the ordinary tribunals. He knows and we all know that those attempts failed. He knows also that when certain regulations were applied then as if by a magician's wand the revolution died out.

Do you mean to say that successful measures are always to be rejected l those measures which failed are to be tried? I appeal to his mon sense and to his responsibility as a leader to admit that there times and there are emergencies in which every State must have ourse to what are called extra-legal measures.

[At this stage the Hon'ble the President returned to the chamber.]

There is another point on which I greatly regret he did not express nself more explicitly. He says, in condemnation of Government, ou have no right to try to put down a movement by repressive mea-es because what is wanted is the removal of the cause of the disaffection the country. Give us Home Rule, give us an extension of our present erty and crime will cease." That is his contention. That conten-n has been nullified by everything that is known of the history of olution whether in Ireland or elsewhere.

Take the case of India. When Lord Morley produced the Morley orms which we all regarded as a very great advance upon anything it had been done before what was the reply of the revolutionaries to se concessions of liberty—the murder of Shamsul Alam on the very of the meeting of the new Council. And in Ireland what was the e? The men who definitely asserted and achieved Irish liberties have n compelled to adopt against the revolutionaries measures infinitely re severe than any measures adopted by the British Government. e two things are distinct. Violent physical rebellion is not the same ng as non-violent non-co-operation and it is I think deplorable that . Das should not distinguish between the two and should not have own in the great force of his influence on the side of peaceful consti-ional means of achieving the object we all have at heart.

Kumar SHIB SHEKHARESWAR RAY: I move that the question now put.

Mr. PRESIDENT: Do not please lose sight of the fact that Mr. Gupta is entitled to a right of reply.

Kumar SHIB SHEKHARESWAR RAY: It has been done several es, Sir. Even a Government member was once deprived of an oppor-ity of replying.

Mr. PRESIDENT: Are you prepared, Kumar Sahib, to intrude on sacred liberty of a member of this Council to exercise his right of dy? I do not intend to do so; so I call upon Mr. Sen Gupta to speak.

Mr. J. M. SEN GUPTA: I waive my right of reply, Sir.

Rai Sahib PANCHANAN BARMA: I beg to rise to support the olutions that have been moved. From the speeches that have been livered we all must have been impressed with the worthlessness of one-led evidence and the question has been analysed threadbare.

I will only speak a few words from my personal experience about the manner in which the evidence is collected. For a short time during the war I moved about from place to place with a view to get recruits for the Bengali Army. At this time a young man often visited me and my house and introduced himself as one belonging to the Cooch Behar State. His home was near my father's place, so I took care of him and allowed him to come to me often, but a few days after I learnt that he enquired of the boys of my house where I went and when I came and these enquiries aroused my suspicion. When he next came to me I told him that I had found out why he visited me so often. Then he confessed that he was a constable or some one belonging to the Intelligence Department. He used to come to me in order that he might watch my movements. He noted down the names of persons and places I visited and kept a list of all suspected persons and other associates. I know a boy of a gentleman of Rangpur who was interned. Afterwards he was released but the police did not cease to pursue him and owing to this fact he committed suicide and he wrote a letter to his father and his friends to the effect that he died owing to the persecution of the police officers who belonged to his own community. This is the way, Sir, how evidence is collected against a man and used against him. If, however, the Government cannot see its way to release these prisoners, what I suggest is that they may be tried in open court by a Committee consisting of three experienced judges on the evidence as collected against the accused and if they think that more evidence is necessary let more be forthcoming.

With these words I support the resolution.

Mr. PRESIDENT: The time has now come when the debate on this subject should come to an end.

I should like to point out for the benefit of new members that when a division takes place, those who are in favour of the resolution should go out by the "Aye" lobby and those against the resolution by the "No" lobby.

The motion of Kumar Shib Shekhareswar Ray was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Maulvi Tayabuddin.
Ahmed, Maulvi Zanneer.
Aley, Mr. S. Mahboob.
Ali, Maulvi Syed Sultan.
Ali, Mr. Altaf.
Bagchi, Babu Romesh Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. Ashiny Coomar.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Basu, Babu Sarat Chandra.
Bose, Babu Bejoy Krishna.
Bux, Maulvi Kader.
Chakravarti, Mr. Byomkes.
Chakravorti, Babu Jogindra Chandra.
Chakravarty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Haq.
Chaudhury, Maulvi Syed Abdur Rab.
Chowdhury, Maulvi Fazlal Karim.
Chunder, Mr. Nirmal Chandra.
Das, Babu Mohini Mohon.
Das, Mr. S. R.

Gaud, Mr. H.
Dey, Babu Sareda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedal.
Hossain, Maulvi Wahed.
Huq, Maulvi Mahbubul.
Joardar, Maulvi Aftab Hossain.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammed, Maulvi Nasar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mitra, Babu Satyendra Chandra.
Mukerjea, Babu Taraknath.
Nasker, Babu Nem Chandra.
Nazimuddin, Khaja.
Neogi, Babu Manmohan.
Quader, Maulvi Abdul.
Rahmen, Mr. A. F.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Nagendra Narayan.
Ray, Babu Sunanda Nath.
Ray, Dr. Kumud Sankar.
Ray, Kumar Shib Shekhareswar.
Roy, Babu Anilbaran.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Ray, Mr. Kiran Sankar.
Roy, Mr. Satcowripati.
Roy Chaudhuri, Babu Sailaja Nath.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarkar, Babu Naliniranjan.
Sarkar, Maulvi Akah Saksh.
Sasmal, Mr. Birendra Nath.
Sen, Mr. Nisith Chandra.
Sen Gupta, Mr. J. M.
Singha, Mr. Arun Chandra.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.
Tarafdar, Maulvi Raju Uddin.
Yasin, Maulvi Muhammad.

NOES.

Banerjea, Rai Bahadur Abinash Chandra.
Barton, Mr. H.
Bell, Mr. J. W. A.
Carey, Sir Willoughby.
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur.
Chainuddin, Khan Bahadur Maulvi Md.
Cochran, Mr. A.
Sohon, Mr. D. J.
Cooper, Mr. Charles C.
Cottle, Mr. J.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Deare, Major-General D. H.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Doss, Rai Bahadur Pyari Lal.
Dunn, Dr. T. O. D
Dutt, Mr. C. S.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Godfrey, Sir George.
Goenka, Babu Badridas.
Gupta, Mr. N. D.
Haq, the Hon'ble Maulvi A. K. Fazl-ul.
Huntingford, Mr. G. T.
Jones, Mr. J. A.
Khan, Babu Debendra Lal.
Lees, Mr. D. H.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
Maberly, Mr. A. N.
Moreno, Dr. H. W. D.
Mukherji, Mr. S. C.
Philip, Mr. J. Y.
Rahim, the Hon'ble Sir Abd-ur-.
Rose, Mr. C. F.
Stephenson, the Hon'ble Sir Hugh.
Stuart-Williams, Mr. S. C.
Swan, Mr. J. A. L.
Travers, Mr. W. L.
Villiers, Mr. Edward.
Wilson, Mr. R. B.

The Ayes being 76 and the Noes 45, the motion was carried.

Release of all political prisoners.

Mr. J. M. SEN GUPTA: I move that "this Council recommends to the Government that all political prisoners of, and belonging to, Bengal, namely:—

(*a*) those convicted for offences committed with a political motive before the Royal Amnesty granted in the Royal Proclamation issued by His Gracious Majesty, the King Emperor, on the 23rd of December, 1919;

(*b*) those convicted under the Criminal Law Amendment Act (XIV of 1908), during 1921 and 1922; and

(*c*) those convicted for sedition and those bound down and imprisoned under section 108 of the Criminal Procedure Code for delivering seditious speeches during 1921, 1922, and 1923;

be forthwith released."

This resolution recommends to the Government to release all kinds of political prisoners. With regard to the first lot there need not be much argument. These are the prisoners who were imprisoned for certain offences of a political nature after the agitation against the partition of Bengal. Some of their friends were released after the Royal amnesty was granted by His Gracious Majesty, the King Emperor, on the 23rd of December, 1919. But, for reasons best known to the Government, others, their friends, were kept in confinement. What this resolution asks is that these persons who have been in confinement for 10, 11, 13, 14 or 15 years ought to be released. They should have been released at the time of the Royal amnesty but taking advantage of a clause in the Royal amnesty which said " subject to the safety of the empire, etc "., the Government did not release them at the proper time. There are about 18 such persons. I will let the House know the names of these persons (so far as I have been able to collect them), who were not pardoned under the Royal amnesty.

Amrita Lal Hajra: Convicted in 1914 in the Rajabazar Bomb case—has been imprisoned for 15 years.

Trailakha Nath Chakravarty: Convicted in the Barisal Supplementary case in 1916—has been imprisoned for 10 years.

Narendra Nath Ghose Chaudhuri: Was convicted in 1916 in the Sibpur dacoity case—has been transported for life.

Sanukul Chatterji: Was convicted in 1916 in the Sibpur dacoity case—has been transported for life.

Satya Charan Bose: Was convicted in 1916 in the Sibpur dacoity case—has been transported for life.

Jatindra Nath Nandi: Was convicted in 1916 in the Sibpur dacoity case—has been transported for life.

Bhupendra Nath Ghose: Was convicted in 1916 in the Sibpur dacoity case—has been transported for life.

Prafulla Ranjan Roy: Was convicted in the Dacca station case—has been imprisoned for 12 years.

Mathura Nath Chakravarty: Was convicted in the Dacca Arms Act case—has been imprisoned for 10 years.

Atul Chandra Dutta: Was convicted in the Dacca Arms Act case—has been imprisoned for 7 years.

Narendra Nath Banerji: Has been imprisoned—I do not know exactly for how many years—he was convicted for 3 years in the Gauhati case and for 7 years in the Benares Conspiracy case.

Nikunja Behari Pal: Was convicted in the Serajganj Station Master murder case and sentenced to 14 years' rigorous imprisonment.

Jyotish Chandra Pal: Was convicted in the Balasore case and was transported for life.

Harendra Nath Chakravarty: Was convicted in the Sibpur dacoity case. (Both these persons are now inmates of the Lunatic Asylem at Berhampur.)

Nikhil Ranjan Guha Roy, Sachindra Nath Dutt; and Surendra Nath Biswas: Were all convicted in the Sibpur case and all the 3 are in the Presidency Jail in Madras.

Suresh Chandra Sen Gupta: Was convicted in the Rajendrapur train dacoity case and was transported for life.

With regard to the second lot of prisoners, I have no information in my possession as to the number detained, under the Criminal Law Amendment Act and under section 108 of the Criminal Procedure Code and actually tried for sedition under the Penal Code. What the resolution has aimed at is this; in clauses (*b*) and (*c*) we have attempted to include all persons who were imprisoned during the non-co-operation movement for their activities. So far as clause (*b*) is concerned, it includes those persons who were convicted for being members of the volunteer organisations of the Indian National Congress. Many words are not necessary to convince the House, firstly because, so far as the volunteers were concerned, they went to jail without defending themselves; and, secondly because the Congress volunteer organisation was, at the time, and even, now, is a peaceful organisation. It was certainly not the intention of the legislature which passed the Criminal Law Amendment Act that it should be applied to organisations of the character that the National Congress was organising at the time. Would any one believe that Mr. Das who was at the head of the volunteer organisation at that time and was sentenced to 6 months' imprisonment was at the head of a violent organisation. But the Government did not hesitate to prosecute him, nor did the Judge hesitate to convict him of an offence which now all know to be absolutely false. The signatures that were said to be the signatures of Mr. Das were not his signatures, as was stated after the case was over. That is the sort of evidence on which these men were put into prison under the Criminal Law Amendment Act.

So far as clause (*c*) is concerned, anybody who made speeches during the non-co-operation movement was prosecuted under section 108 of the Criminal Procedure Code for delivering seditious speeches and if he

refused to give security, he was sentenced to imprisonment, sometimes for 6 months, or for one year, or even for one year and six months.

Clause (*d*) deals with those persons who were concerned in the non-co-operation movement. There were very few cases of actual sedition. My resolution recommends that these persons be released, and it is not necessary for me to say anything further about the resolution.

Mr. NISITH CHANDRA SEN: I move that this Council recommends to the Government that all persons who were convicted of political offences in Bengal prior to the proclamation of an Amnesty by His Majesty the King Emperor in December, 1919, and are still undergoing sentences of imprisonment be released.

As this Council has already heard from my friend, Mr. Sen Gupta, there are only a very limited number of men who are under restraint. They were convicted before 1919. On the 23rd December, 1919, when the Reforms era dawned, with a view that all trace of bitterness should be wiped out, His Majesty issued a proclamation, and I will place a few lines from that proclamation before you. This is what His Majesty said:—

> It is my earnest desire at this time so far as possible any trace of bitterness between my people and those who are responsible for my Government should be obliterated. Let those who in this eagerness for political progress have broken the law in the past, respect it in future. Let it become possible for those who are charged with the maintenance of peaceful and orderly Government to forget extravagances they have had to curb. A new era is opening. Let it begin with a common determination among my people and my officers to work together for a common purpose. I therefore direct my Viceroy to exercise in my name and on my behalf my Royal clemency to political offenders in the fullest measure which in his judgment is compatible with public safety. I desire him to extend it on this condition to persons who for offences against the State or under any special or emergency legislation are suffering from imprisonment or restrictions upon their liberty.

It was the desire of His Gracious Majesty and it was his direction to the Government of India that so far as "is compatible with public safety" all men serving terms of imprisonment should be released in order to efface all trace of bitterness. As a matter of fact, most of the people who were then undergoing sentences of imprisonment have been released from time to time. There now remains a small batch of 18 men who are still under restraint. Two of them are now in the Lunatic Asylum at Berhampur. So far as they are concerned, we can easily imagine that they can not, even if they want to make any mischief. So there is absolutely no reason why they should not be sent to their homes in order that they may be looked after by their relatives. It was His Majesty's desire that all trace of bitterness should be obliterated: it was his command to the Viceroy that, so far as "is compatible with public safety," persons then under restraint should be released and no one can say that the release of these two persons who are in the Lunatic Asylum is incompatible with the

safety of the realm. I cannot understand why these persons are being detained still. I think that the Hon'ble Member in charge should at once release them, because those are the directions of His Gracious Majesty.

So far as the others are concerned, most of them, as we have just heard from Mr. Sen Gupta, have served out a greater portion of their terms of imprisonment—some three-fourths, some more and some less. It was not His Majesty's desire that these persons should be restrained if it was compatible with public safety. The experiment had been tried by releasing a large number of such men and they did not, after their release, shake the foundations of the empire. Then, what reason is there now for detaining these few people? Some of these men who were not released in pursuance of this direction have since come out. Some of them were my clients and they came to see me after their release. I asked them why they were detained after His Majesty's proclamation and I was told that the Government did not find a sufficient change of heart in them.—The test of change of heart was this: they were asked if they would undertake to cease all political activities. They were willing to do so. They were further asked if they were willing to work against the non-co-operation movement—as this movement had then been inaugurated. These people refused to stultify themselves and we can well imagine their willingness to cease all political activities, but to be employed for such a purpose as to defeat the non-co-operation movement would be to demean themselves and naturally they refused. That cannot certainly be a sufficient ground for detaining them. All that His Majesty's direction implied was that the safety of the realm should be safeguarded. If they did give an undertaking that they would cease all political activities, all that was necessary had been obtained. What is the reason then for detaining them any longer? There was no direction to the Government of India that these men when released were to be employed in a particular way, i.e., they should be employed for the purpose of defeating a movement which was disagreeable to the bureaucracy: why then detain them? Apart from that, these people have since then served another spell of 5 years. I ask, therefore, what is the good of keeping these people in jail any longer? They are broken down in health and have lost all prospect in life. It will indeed be a great consolation if they are sent back to the bosom of their family.

I hope this House will accept this resolution and recommend to the Government the release of all these men who are still in custody.

Babu BEJOY KRISHNA BOSE: I move that this Council recommends to the Government that all political prisoners imprisoned in Bengal before the Royal Amnesty of December, 1919, be forthwith released.

The resolution is almost similar to the one which has just been moved by my friend, Mr. Sen. I would not therefore tire your patience by

inflicting a lengthy speech to commend this resolution to your acceptance. We have read in Edmund Burke's works: "The sovereign remedy for public distempers is conciliation and not coercion, for though coercion may succeed for a time, it always leaves room for coercion again." That sovereign remedy was found by no less a person than His Gracious Majesty the King Emperor, who, on the occasion of inaugurating the Reforms in 1919, used the words which have now been read over to you by my friend, Mr. Sen. In consequence of that proclamation, a large number of prisoners were set at liberty. The figures which have been given to you by Mr. Sen Gupta shows that there are still some—not a very large number—who are still rotting in jail. The question is asked as to why these people are not set at liberty. This is a question for the bureaucracy. In demanding their release, I will not myself use any expressions which may offend the official nerves or be treated as a sin against the accepted canons of fair criticism. I will content myself by quoting from a speech of one who is now a part of the Government, enjoying their confidence and whom officials delight to honour. In April 1920, from the Presidential Chair at the Midnapore Session of the Bengal Provincial Conference, my friend, the Hon'ble Maulvi Fazl-ul Haq said:—

> These gracious words of our Sovereign must appeal to all hearts and we, the people, bow in loyal obedience to His Majesty's desire and command. But what about those vested with almost limitless power, many of whom have more than once used this power and authority in a manner unworthy not only of the great British race but of all instincts of humanity and civilisation? Are they in a position to catch the real spirit of the Royal message of hope, mercy and reconciliation and curb in future their sudden impulses of the arbitrary exercise of irresponsible power? Are they prepared to give up their supercilious contempt for the educated classes and seek their co-operation, not in a spirit which animates pinchbeck imperialists but with a genuine desire to carry out the wishes of our Sovereign for the good of the people? The Royal will has been expressed in no uncertain terms and leaves no room for keeping back the boon of Royal mercy and clemency even from those who may have been led by the enthusiasm of the moment to allow their zeal for the good of the country to overstep the bounds of constitutional agitation. But here, as in previous instances, the agency to execute the royal will has necessarily been left to a hardened bureaucracy, whose nerves have been shaken by an immoderate consumption of the overtaxed salt of India and who always formed an impervious non-conducting medium between the good intentions of our Sovereign and the unfortunate people of India. We all know how some of these bureaucrats have sought to explain away even the Queen's Proclamation and we need not wonder that they have been able to mutilate phrases in order to stultify the wishes of the King Emperor regarding the release of political offenders.

The quotation is long; but as the author of the speech is now a member of the Government, he will not, I hope, turn himself into a "hardened bureaucrat" and make a multilation of phrases "to stultify the wishes of the King Emperor." I trust that his angle of vision will not change for I well remember that in 1918, speaking from the platform of the Special Bombay Session of the Congress, he said that with an Englishman the angle of vision is either the obtuse or the acute angle but never the right

angle. That is a speech of our Minister and I hope, Sir, now that he is a member of the Government, he and his Indian colleagues will keep their European colleagues straight at right angles so far as this question at any rate is concerned.

Advice gratis has been showered on us recently to drop these resolutions and the Government is asked to be steady and not to waver. In a word the police must be kept armed with arbitrary powers. If good Government comes out of it, let the Government officials pay heed to that: but there will be no peace, no contentment so long as the wound is allowed to remain and fester. I cannot do better than again quote Mr. Haq, the new Minister for Education.

This is what he said—

> But whether these charges are well founded or not, it is time that these unfortunate youths should now be released and the fullest effect given to the Royal Proclamation about mercy and clemency. We hope His Excellency will rise to the height of the occasion and finally close a chapter of repression in spite of the counsels of those whose craven fears have always sought to discover sedition and disloyalty in every thought, word or deed of the people of this country. The release of the remaining detenus is certainly a *sine qua non* for the establishment of a calm atmosphere for the future good government of this country.

For the future good name of the Government, Sir, we demand the release of the political prisoners and we call upon the authorities to close "a chapter of repression" and to create "a calm atmosphere.' And in doing so, I am in good company, not of Swarajists and Nationalists but in the company of no less a person than one of His Majesty's Ministers in Bengal.

Dr. PRAMATHANATH BANERJEA: I move that this Council recommends to the Government that all persons who were convicted of political offences in Bengal prior to the 1st of January, 1923, and who are at present undergoing sentences of imprisonment, be released.

The time has come when a settlement of the political problems of India must be arrived at by mutual agreement between the Government and the people; and it is because I believe that the adoption of the course which I suggest will help to create an atmosphere favourable for such a settlement that I move this resolution.

SHAH SYED EMDADUL HAQ moved that this Council recommends to the Government that those political prisoners in Bengal who have not been convicted of violence or of destruction of property or incitement thereto or of offences against the State accompanied by violence to persons, or those convicted under the Criminal Law Amendment Act or under the Penal Code for political offences, be released immediately.

He addressed the Council in Bengali. A translation of his speech is as follows:—

The question of the release of political prisoners is a question of grave moment at the present critical juncture of Government. While the Government persistently want to adopt a policy of repression, the people want a policy of conciliation. It all depends upon the sweet will of the Government to release or incarcerate these political prisoners. But we deem it our duty to shout hoarse over this momentous matter, to implore the Government, and if the Government do not consider it prudent to set them at liberty, we have nothing to do but to bear the burden with fortitude and calmness.

I think it will not be out of place if I reiterate the old arguments which I advanced in the past. Originally the Government were looked upon as the *ma-bap* of the people, and what is their position now? They have lost the confidence of the people, and the air of the Government is surcharged with the elements of mistrust and suspicion. The origin of the non-co-operator's and the revolutionary organisation in this province is due, and solely due, to the want of trust of the people in the Government. Sir, I confess I loathe the very idea of incarcerating these men, the flowers of society, for holding political opinions only. I can guarantee that there would be no recrudescence of anarchism if the Government would only yield to the wishes of the people by liberating these political prisoners. Remember what the Lord Jesus said at the time of His Crucifixion: "Father, forgive them for they know not what they do"—these were His words. I appeal to you, Sir, in the name of the Great Lord Jesus, in the name of humanity, in the name of the British Government, that you should display magnanimity by rescuing these political offenders, and might I add in this connection that if you want to build the Empire on a stable foundation, adopt the policy of conciliation and abandon the policy of repression. For history abundantly teaches that the policy of conciliation has helped, and the policy of repression, has retarded the growth of an Empire.

Babu SURENDRA NATH RAY: What I am going to say is not anything new but well known to the old members of this Council as well as to Sir Hugh Stephenson. Probably you all remember that in September last there was a resolution similar to these before the House for the release of the political prisoners who were confined in the Alipore Central Jail. I personally spoke to Sir Hugh Stephenson about them. They sent in a representation to Government that they might be released and they further said that they would not take any part in any political activities in the country. They also said, if I remember aright, that if they were found guilty of any offence, Government might again incarcerate them. I had a talk with the Superintendent of the Jail about these prisoners and the Superintendent spoke in very high terms of their conduct, these prisoners, I may tell you, are treated very well and they have not the least grievance against Government; the only want to be released from prison

and set at liberty. I do not know what has been the fate of the representation they sent to Sir Hugh Stephenson. But I have reason to believe that he set at liberty a very large number of prisoners when he was in charge of the Political (Internment) Department: and while these prisoners, whose number is only about 16, are willing to give a guarantee to Government that if they are found guilty of any political activities, they may again be sent back to jail, I do not see any reason why Government should not extend their clemency to them.

Maulvi MD. NURUL HUQ CHAUDHURY: In supporting the resolution of Mr. Sen Gupta I have to say that the gentlemen—I call them gentlemen because those who were convicted under the Criminal Law Amendment Act went to jail for patriotic purposes and from the highest of motives—they thought that by going to jail they would be able to free their country from the white and brown bureaucrats—

Mr. PRESIDENT: You must withdraw that expression. It is very improper.

Maulvi MD. NURUL HUQ CHAUDHURY: I withdraw. These people were awarded punishment, the maximum punishment allowed by the law and that on the most flimsy grounds. I know of certain associations whose purposes were non-violent but Government declared them to be illegal associations; I also know of certain persons against whom there was no proof at all, but did not defend themselves and were sent to jail. If we pass this resolution, we are told by the Maharaja that more repressive measures would be taken by Government——

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: By way of personal explanation I may say that I said nothing of the kind; I said it may be necessary to take more repressive measures.

Maulvi MD. NURUL HUQ CHAUDHURY: If further repressive measures be necessary, if that be the view of the senior Member of the Government, I take it that this is the view of the Government itself. Many of us, even the leader of my party, Mr. C. R. Das, in refusing to accept the Ministry wrote to His Excellency the Governor that if there be a change of heart in the Government he would be able to accept office and would try to help the Government——

Mr. PRESIDENT: I do not know whether Mr. Das said that or not; I see Mr. Das shaking his head.

Maulvi Md. NURUL HUQ CHAUDHURY: I find, in any case, no change of heart on the part of the Government, and it is incumbent upon us to pass these resolutions and see that Government might apply more repressive measures upon the unfortunate people of Bengal.

[At this stage the Council adjourned for 15 minutes.]

After the adjournment.

The Hon'ble Sir HUGH STEPHENSON: These resolutions ask for the release of political prisoners or persons convicted of political offences. On previous occasions we have debated similar resolutions—and I may remind the Council that on the last two occasions the Council refused to adopt these resolutions—and the difficulty has been often pointed out of defining what we mean by a political prisoner or a political offence. I will not labour the point on this occasion because I have no wish to rely in my case upon dialectics, and I will endeavour to include in my reply the case of all those whom I conceive to be in the minds of the movers of the resolutions. I think it will help us if we can keep away from catchwords and get down to facts. Resolutions 6—9 give not a definition but a classification of political prisoners. Resolutions 12, 13 and 16 limit the numbers by the date of conviction. Resolution 17 limits the numbers by excluding those convicted of violence or incitement thereto, while resolution 11 is the widest of them all and attempts neither classification nor definition nor limitation. I would like to show to the Council what each of these resolutions means in actual practice and what would be the result if each of them were accepted. I omit all reference to détenus under Regulation III whose cases have already been dealt with. Let us take resolution 17. The terms of that resolution in my opinion would preclude the release of any single prisoner but there is a possibility that a more leniently minded Judge might include two within the terms of that resolution, because there are two men who have been convicted for seditious writings and the judgment has not definitely found that they incited to violence. Therefore, Shah Sahib's eloquence is devoted to the case of possibly two men.

Turning now to resolutions 6—9, clause (*a*) covers 13 persons who are in jails in Bengal who may be described as the old revolutionary convicts. As has been pointed out by the mover, there are, I think, two such cases in Madras jails; of these I have not got the particulars at my fingers' end, but I think there are two—(A voice: "Three")—that is the reason that my figure does not tally with the mover's.

As regards the two convicts in the Berhampore Asylum, to the best of my recollection one of these was convicted in Bihar and Orissa. I have been approached on several occasions with regard to him, and I have always replied that we have not got the power to do anything and have referred the matter to the Bihar and Orissa Government.

With regard to the other one, I have not got the facts here, and my recollection is hazy, but I can assure the Council that we have no wish whatever to keep an insane man in jail. The one in the Berhampore Asylum has passed out of the keeping of the Jail Department; he is under the Medical Department, and as a criminal lunatic he would come up under the ordinary rules under which a criminal lunatic comes up either for release or for being allowed to go to his home. If the Medical Department and the Jail Department recommend that his is a proper case for

release and if his relatives are prepared to look after him properly, I personally have no wish to keep him under detention.

Coming to clause (*b*), that covers no one, for there is not a single person in jail at the present moment who has been convicted under the Criminal Law Amendment Act.

Clause (*c*) covers 6 persons convicted of seditious writings or seditious speaking since the middle of 1922, and it also includes 3 persons who are still in jail for failure to give security, under section 108. With regard to these 3 persons, they can obtain their liberty to-morrow by giving security for good behaviour, and if the intention of the movers of these resolutions is to obtain the release of these men, I would suggest that they should stand security for them.

Turning to resolutions 12 and 13, they refer to the 13 old revolutionary convicts I have already mentioned, and to nobody else. Resolution No. 0 would cover the 13 old revolutionaries plus 3 persons convicted for seditious speeches or writings. One of these persons could obtain release at once if the mover will stand security for his good behaviour.

Resolution No. 11 is the widest of all and includes all these persons plus 9 others bound down to keep the peace, and one man convicted of mischief by fire. Therefore the Council will see that if we get away from the tyranny of words and get down to facts, what we are really discussing is a very limited number of individual cases, and I should like to recite these cases.

In the first place, we have 13 or 15 or 16 persons, if we include those in Madras, convicted of offences under the ordinary law of the land. Of these 5 were convicted of dacoity with murder, 2 of preparation to commit dacoity, 1 of murder, 2 of attempted murder and 1 of culpable homicide and the other 2 of waging war and of possession of arms and bombs. Then we have 6 persons convicted of seditious speaking or writing, of whom 4 most certainly incited to violence. Lastly, we have 1 person convicted of mischief by fire, which probably means burning of foreign cloth. In addition to 3 persons who declined to give security for good behaviour under section 108, there are some 9 persons who were ordered to enter into a bond to keep the peace under section 107. These last 2 classes I do not propose to discuss. As I have said persons who are detained in jail solely because they have not furnished security for good behaviour or for keeping the peace can obtain their release at once if members of the Council who desire their release would stand security for them.

As regards this small number of men, 20 or 22 in all, what are the possible grounds for release? Take the old revolutionary convicts first. These are men convicted for actions which are stigmatised as crimes in the whole civilised world. They have been sentenced to terms of imprisonment which are provided for in the ordinary law of the land as suitable punishment for these crimes. On what ground can the executive Government be asked to interfere with the sentences of a judicial court in their

cases? If it is urged that their motive should be considered, I would reply that while a sentencing court may take the motives into consideration in awarding the sentences, it is a dangerous procedure for the Executive Government, after sentences have been given, to revise the work of the judicial courts solely on the ground of motive. I would suggest that there would be another side of the question, and that we might claim the right to enhance the sentences as well as to reduce. Further, what is the motive that we are asked to take into consideration? The motive is the furtherance of a revolutionary conspiracy to upset by violent means the existing Government, and I put it to the House that no Government can take that as an extenuating circumstance. I deny entirely that offences against the State are more venial than offences against private individuals. If the argument is that they have undergone sufficient punishment, I ask the movers why they have restricted their resolutions to political offenders. Surely, what is sauce for the goose is sauce for the gander, and if the resolutions are based on this argument, then surely all dacoits and murderers are entitled to have their sentences revised or be released. If it is urged that their crime was the outcome of circumstances which have passed away, and that therefore they would have no incentive for the future to commit such crimes, I would reply firstly that we cannot avoid the consequences of the past. The murderer cannot restore the victim to life, and the sanctity of human life demands that there shall be a deterrent punishment against the taking of it, and secondly that though circumstances have changed no one can say, least of all at the present time, that they will not recur, and no one can read the secret thoughts or the future development of another, so as to guarantee his course of action in the future.

Turning to the next group, those convicted of seditious speeches and writings, there is only one justification that can possibly be put forward for the release of this class, namely either that their action has ceased to be an offence, or that there is no possibility of anybody committing the offence in the future. As regards individuals we have gone to the limit of forbearance. We have often withdrawn prosecutions already started when the accused had expressed regret and promised to be more careful in the future, but Government could only agree to an amnesty for these men if Government had no intention of prosecuting for sedition in future. It is meaningless to release persons convicted of sedition to-day if we know we may have to prosecute others to-morrow. We have always been willing to listen to promise of amendment in this class of cases, but Government cannot accept the proposal for a general amnesty which would imply that Government no longer consider seditious writings and seditious speeches and incitement to violence to be a danger to the community.

The remaining case probably arose out of picketing and if there are any circumstances that deserve consideration Government are always

prepared, as in the case of any other convict, to take them into consideration, but Government are not prepared immediately to release this man merely on the ground that the person whose property had been injured differed from him in political opinion. If, therefore, we get away from the high-sounding phrases "political prisoner" or "political offences" and consider the facts of each case, I think the House will agree that there are no reasons for interfering with the sentences of the ordinary criminal courts in any of these cases.

I would therefore ask the House to reject all these resolutions.

Mr. J. M. SEN GUPTA: I submit the Hon'ble Member in charge has not been able to satisfy the supporters of this resolution by his reply that the resolution is not needed and should not be accepted. So far as the prisoners who were not released under the Royal Amnesty are concerned, the Hon'ble Member takes up a position which practically nullifies the wishes of His Majesty the King Emperor. He forgets that these prisoners ought to have been released in 1919, and he makes a confusion when he asserts that there should not be a difference between ordinary criminals who commit murders and dacoities and those who commit the same offences with a political motive. The reasons are obvious and they were certainly obvious to His Majesty the King Emperor when he limited his Royal Amnesty only to those murderers and other offenders who committed the crimes with a political motive. Therefore, the question is not whether these persons committed violence, the question is—and the question before His Majesty the King Emperor in 1919 was—whether persons who committed crimes of violence with a political motive should or should not be released. The motive which actuated His Majesty the King Emperor in granting amnesty to these persons was this—that he wanted to create confidence in the people of India that he meant, as advised by his Ministers in England, to inaugurate a system of Government in this country which would meet the wishes of the people. Therefore, there is no justification for the Hon'ble Member to say that there should be no differentiation between the two classes of criminals.

With regard to the others the issue is a very simple one. These persons were convicted and bound down at a time when the non-co-operation movement was at its height. At that time none of these people put forward any defence and, as I said before, particularly in the case of Mr. Das, the evidence on which he was convicted was absolutely false. Mr. Das did not defend himself, but he issued a statement that the evidence produced against him was false and the signature produced was not his signature.

The Hon'ble Sir HUGH STEPHENSON: May I rise to a point of order. The case of Mr. Das is not under consideration.

Mr. PRESIDENT: Is the case of Mr. Das under consideration?

Mr. J. M. SEN GUPTA: No, Mr. Das' case was under the Criminal Law Amendment Act—the same Act under which some of these persons were dealt with.

Mr. PRESIDENT: But Mr. Das is not now undergoing imprisonment.

Mr. J. M. SEN GUPTA: All persons who were prosecuted during the non-co-operation movement did not defend themselves. Their cases were practically dealt with *ex parte*. Whether it is their fault or not, it does not matter. The question now is whether as a matter of fact if they had defended themselves, if they had cross-examined the witnesses they could show that the evidence given was false. I was showing that at least in one case, that of a great man like Mr. Das——

Mr. EDWARD VILLIERS: I think the Hon'ble Sir Hugh Stephenson has already told us that there are no prisoners at present in prison under the Criminal Law Amendment Act. Therefore, why is this harangue being inflicted on us?

Mr. PRESIDENT: There is no person under confinement so far as clause (*b*) of your resolution is concerned, and so your speech with regard to that is out of order.

Mr. J. M. SEN GUPTA: The persons contemplated in clause (*c*) who were bound down were all non-co-operating prisoners.

Mr. PRESIDENT: That may be true, but that does not make your remarks in regard to clause (*b*) in order, as there are no persons convicted under the Criminal Law Amendment Act in prison at the present moment.

Mr. J. M. SEN GUPTA: The prisoners under clause (*b*) and clause (*c*) were tried at the same time, they were all prisoners put up at the time of the non-co-operation movement; they were all working for the same end under the Indian National Congress. These people were brought up in batches in different places, some under the Criminal Law Amendment Act, some under the ordinary sections of the Indian Penal Code, and in all these cases, whether under section 108 of the Criminal Procedure Code, or under the Indian Penal Code, or under the Criminal Law Amendment Act, these persons did not defend themselves. Therefore, as I have already said, as in these cases there was no defence and in some cases there was false evidence, I submit that the resolution should be accepted.

The Hon'ble Sir HUGH STEPHENSON: I wish to say one word regarding the reply of Mr. Sen Gupta. I am afraid I did not realise altogether that the basis on which this resolution was placed before the House was that injustice had been done to these people four years ago. I take it from Mr. Sen Gupta that this is the basis of the demand for the release of these 13 old revolutionaries.

Mr. J. M. SEN GUPTA: I did not say that. I confined my remarks to clauses (*b*) and (*c*). So far as (*a*) is concerned, they should be released because the Royal Amnesty was meant for them.

The Hon'ble Sir HUGH STEPHENSON: Mr. Sen Gupta bases his case for the release of these prisoners on the fact that they ought to have been released in 1919 according to him, and that this is the sole basis of his demand. Well, Sir, the King's Proclamation in 1919 was drawn up after very considerable correspondence with the authorities in this country; and it was definitely adopted with the intention that the authorities in this country should have the responsibility of deciding the cases to which the amnesty applied. It is not the case that the King Emperor granted the amnesty and the local officers did not allow the prisoners to be released. The amnesty was conditional and the responsibility for sifting the cases remained with the Government of India. The cases of these men were considered and they were definitely ruled out. Therefore, so far as this argument is based on the Royal Proclamation or the Royal Amnesty of 1919, I hold that it falls to the ground.

Then, Sir, the amnesty of 1919 does not apply to clause (*c*). The ground on which I understand the release of persons contemplated in clause (*c*) is demanded is that some of them did not defend themselves. Well, Sir, it may be a ground for asking Government to review the cases of individuals—Government has never been backward in reviewing the cases of individuals—but I maintain, Sir, it is not a ground for asking for amnesty for a class. Out of the nine persons referred to, the earliest conviction was in December, 1922, which, I think, if my memory is right, was after the height of the non-co-operation movement. The bulk of the convictions were in 1923 and these convictions were partly for seditious writings. Whether the persons defended themselves or not, I think there can be no doubt that the court can come to a conclusion as to seditious writings. The person concerned might have some meaning of his own, but the court came to the conclusion that the writing will be interpreted as seditious by the ordinary man. The same thing is with seditious speeches. In all these cases the court had the reports of the speeches, and it was for the court to judge whether they were seditious or not. In some instances the accused fought the cases to the end. Therefore, I maintain that Mr. Sen Gupta has given us no reason at all for granting amnesty in the case of persons referred to in clause (*c*) of his resolution.

The motion of Mr. J. M. Sen Gupta was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Maulvi Tayabuddin.
Ahmed, Maulvi Zanneer.
Aley, Mr. S. Mahboob.
Ali, Maulvi Syed Sultan.
Ali, Mr. Altaf.
Bagchi, Babu Nemoo Chandra.
Banerjea, Dr. Pramathanath.
Banerjea, Babu Satya Kishore.

Banerjee, Mr. Ashiny Coomar.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Basu, Babu Sarat Chandra.
Bose, Babu Bejoy Krishna.
Bux, Maulvi Kader.
Chakravarti, Mr. Byomkes.
Chakraverti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umesh Chandra.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Haq.
Chaudhury, Maulvi Syed Abdur Reb.
Chawdhury, Maulvi Fazial Karim.
Chunder, Mr. Nirmal Chandra.
Das, Babu Mohini Mohen.
Das, Mr. C. R.
Das Gupta, Dr. J. M.
Dey, Babu Bareda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedal.
Huq, Maulvi Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammed, Maulvi Basar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mitra, Babu Satyendra Chandra.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Nazimuddin, Khaja.
Neogi, Babu Manmohan.
Quader, Maulvi Abdul.
Rahman, Mr. A. F.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Nogendra Narayan.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Kumar Shib Shekhareswar.
Ray, Babu Anilbaran.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Mr. Satcowripati.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Nemanta Kumar.
Sarkar, Babu Naliniranjan.
Sarkar, Maulvi Allah Baksh.
Sasmal, Mr. Birendra Nath.
Sen, Mr. Nisith Chandra.
Sen Gupta, Mr. J. M.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Hussyn Shaheed.
Tarafdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Banerjee, Rai Bahadur Abinash Chandra.
Barton, Mr. H.
Bell, Mr. J. W. A.
Carey, Sir Willoughby.
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur.
Shahnuddin, Khan Bahadur Maulvi Md.
Cohen, Mr. D. J.
Cooper, Mr. Charles C.
Cottle, Mr. J.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Deare, Major-General D. H.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Doss, Rai Bahadur Pyari Lal.
Dunn, Dr. T. O D
Dutt, Mr. C. S.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Godfrey, Sir George.
Goenka, Babu Badridas.
Gupta, Mr. N. B.
Haq, the Hon'ble Maulvi A. K. Fazl-ul.
Huntingford, Mr. G. T.
Khan, Babu Debendra Lal.
Lees, Mr. D. H.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
Meberly, Mr. A. N.
Moreno, Dr. H. W. B.
Philip, Mr. J. Y
Rahim, the Hon'ble Sir Abd-ur-.
Stephenson, the Hon'ble Sir Hugh.
Stuart-Williams, Mr. S. C.
Swan, Mr. J. A. L.
Travers, Mr. W. L.
Villiers, Mr. Edward.
Wilson, Mr. R. B.

The Ayes being 72 and the Noes 41, the motion was carried.

Babu BEJOY KRISHNA BOSE: I move that this Council recommends to the Government to request the Government of India for the immediate repeal or withdrawal in regard to Bengal of the following laws:—

(*1*) The Prevention of Seditious Meetings Act, 1911 (X of 1911);

(*2*) The Indian Criminal Law Amendment Act, 1908 (XIV of 1908);

(3) Sections 15 and 15A and other sections so far as they relate to sections 15 and 15A of the Police Act, 1861 (V of 1861); and.

(5) Bengal Regulation III of 1818.

Much has been said these two days here about Regulation III of 1818. I will not, therefore, say much about it. It is a pity that in modern times recourse is had to an old and archaic law, Regulation III of 1818, to hurry into jail numbers of young men without trial for "reasons of State" and "against whom there may not be sufficient grounds to institute judicial proceedings or when such proceedings may not be adapted to the nature of the case or may for other reasons be inadvisable or improper," as the preamble states. Even a sober-minded citizen, not an agitator or a politician, like Dr. Rabindra Nath Tagore, deliberately stated that the public "are justified in thinking that a large number of them are innocent." He further stated—

I am convinced that some of the noblest of our men have fallen victims to the Regulation only because they made themselves too conspicuous by their self-imposed mission of beneficence so as to offer easy targets to those bombs of punishment that cannot have the discrimination to choose only the criminal sparing the innocent. I am utterly unable to believe that truth has been reached oftener than error where evidence has not been judiciously sifted and in circumstances where underhand means of extracting so-called confessions cannot be guarded against.

It is said, Sir, that we are living under a responsible Government. The *sine qua non* of such a Government is that the executive must be brought under the purview of the ordinary laws of the land. Are the ordinary laws of the land insufficient to bring about the conviction of the guilty? Lord Carmichael said in this Council on the 4th July, 1916—

We may of course have made mistakes in some cases but we have interfered with the liberty of no one against whom we did not feel that there is evidence, though we admit it is not evidence which ought to lead to conviction in an ordinary court of law.

The courts of law do not demand extraordinary standards of proof. The Evidence Act lays down that the proof must be such "that a prudent man ought under the circumstances of the case to act upon the supposition that he is guilty." Neither more nor less. Therefore, on His Excellency's own showing, the evidence in the possession of Government was such that no prudent man would believe it.

The cry of "law and order" and "necessity of public safety" will be raised against the repeal of these laws. But, Sir, is not the need for justice more imperative than the need for law and order especially in the case of an alien bureaucracy? Much has been said since these two days here about law and order. I am ashamed to find not a single Englishman spoke about justice which is the bulwark of the State. If

you want contentment, you must not only do justice but make the people feel that you are doing justice.

We have got a pampered police. Lakhs upon lakhs are spent every year for maintaining the police. And yet we have got those sections in the Police Act, sections 15, 15A, 16, 17, 18 which are as humiliating as possible, by which you transform honest gentlemen into special constables, and quarter punitive police in special areas. Respectable Indians cannot willingly submit to the requirements of these sections.

The Hon'ble Sir HUGH STEPHENSON: May I rise to a point of order? The resolution does not concern special constables, and the member is talking on a matter which is not under discussion.

Mr. PRESIDENT: Sections 15 and 15A are sections which deal with punitive police. If they do not relate to special constables, the member is out of order in referring to them.

Babu BEJOY KRISHNA BOSE: My resolution runs—Section 15, 15A and other sections. (Here the member read section 15 of the Police Act.)

The Hon'ble Sir HUGH STEPHENSON: The only reference to special constables in this Act is in section 17 which is not included in the resolution.

Babu BEJOY KRISHNA BOSE: I was only referring to section 15 and the Hon'ble Member is quite right when he says that it has no reference to special constables which occurs in section 17.

Mr. PRESIDENT: You have not mentioned section 17 which empowers a police officer to apply to the nearest magistrate to appoint so many of the residents of the neighbourhood as such police officer may require to act as special police officers. I think the Hon'ble Sir Hugh Stephenson's point that you cannot refer to the special constables is quite sound.

Babu BEJOY KRISHNA BOSE: I submit to your ruling. The words "other sections" in my resolution cover section 17.

The Hon'ble Sir HUGH STEPHENSON: I contend that there is no relation.

Mr. PRESIDENT: It is a doubtful point and we do not want to waste time in discussing it.

Babu BEJOY KRISHNA BOSE: I bow to your ruling. I score out the words special constables. You will force them to accept a situation which is galling to their self-respect, degrade them in the social scale,

and transform them into bitter enemies of the Governmetn. What is the necessity of keeping these provisions of the law in the Statute Book specially when they are so seldom applied? The sooner they are repealed the better for that calm atmosphere which we so devoutly wish for.

Take the case of the Seditious Meetings Act. Is there any justification for keeping that Act any longer in force? Is there sedition rampant at present? "Sedition" as a British Judge defined it (11 Cox, c. c. 44) "embraces all those practices whether by word, deed or writing which are calculated to disturb the tranquillity of the State and to lead ignorant persons to endeavour to *subvert the Government*. The objects of sedition generally are to induce *discontent and insurrection* and to stir up *opposition* to Government and bring the administration of justice into contempt, and the very tendency of sedition is to incite the people to *insurrection and rebellion*." I solemnly ask the bureaucracy to say to us that there is any place in Bengal where such organised attempts are made to incite people to insurrection and rebellion or that such objects are preached. And yet the executive is armed with the authority to declare *proclaimed areas*, prevent meetings being held and addresses being delivered. If, indeed, the bureaucracy consider all attempts to change the form of Government, all attempts to end the present system of Government, to end the diarchy, as sedition, then we are seditionists and all our organisations are seditious bodies and let the whole country be declared a proclaimed area and all our activities be stopped. The alternative to constitutional struggle is Revolution. There is no half-way house between the two. We have still faith in that struggle. Years ago here and there some lost all faith in them. Yet struggle there must be in the country. You can not by any number of repressive laws put an end to all manner of agitation. Whether it will be constitutional struggle or otherwise depends upon how the situation is handled. So far as I can judge the Prevention of Seditious Meetings Act is almost a dead letter—still why keep it in the Statute Book if not to terrorise the people?

I cannot conceive of a more dangerous invasion of people's rights and liberties than the provisions of the *Criminal Law Amendment Act*. It may properly be called the Criminal Law Extinction Act. It means the negation of law, the denial of the elementary rights of the accused to have a fair and proper trial before he is adjudged guilty. Collection of evidence is left to the police, placing of that evidence before the magistrate must be in the absence of the accused, the so-called magisterial enquiry is a sort of a conference between the police and the magistrate, the character and quality of that evidence is not tested by cross-examination or any explanation given by the accused——

The Hon'ble Sir HUGH STEPHENSON: On a point of order. This particular part of the Act to which he is referring now has already been repealed. To save time, we need not discuss it.

Babu BEJOY KRISHNA BOSE: One part (Part II) still remains.

Keeping the accused safe within the precincts of the jail, behind his back and in his absence the police, the informer, the C. I. D., are allowed to merrily put forward a case for his destruction—no pleader even shall be allowed to appear before the sham magisterial enquiry. When the foundation is thus made solid and a strong show of justice is provided by placing the accused before a special tribunal, where no jury can be trusted to try the case. This is the law made by those whose ancestors rose in rebellion and wrested the great charter of their rights on the field of Runnymeade from the hands of their Sovereign. This is the law made by those whose ancestors beheaded a king and drove another from his throne rather than submit to unjust laws. It is thus that "overwhelming evidence" is obtained to deprive people of their liberties The police have thus, as Lord Morley said, "got a blank cheque to draw on the personal liberty of British subjects in India." The police think a man should be arrested, he is forthwith arrested. The police collect and produce evidence. The magistrate acts as a post office to send the same to the special tribunal behind the back of the accused and after a so-called trial the police action is vindicated. If the Government think that the administration of the country can be so easily managed, they are deluded. Retribution is bound to come as it came in other countries and even a career of coercion must one day come to a dead stop as all careers of all things in this mortal world have to come to a stop after they run their usual course. The Spanish Viceroys in the Netherlands, the Austrian Viceroys in Venice, the Bourbons in the Cicilies and a Governor or two in the old American Colonies played their parts in their own times, but the freedom of the people, checked though for the time being, came back to them in all its resplendence and glory.

Sir, these Russian methods of Government by laws which are no laws must come to an end. Do not be shocked if I use the word "Russian." I have only borrowed the phrase from a speech of your Minister, Maulvi Fazl-ul Haq. Speaking at a meeting in the Town Hall of Calcutta on 5th March, 1918, on a similar legislation, he said:—

> I have often wondered that with all their vaunted boast about justice and equity, where is it that our British administrators have lighted upon this most un-British piece of legislation. I think, I have now found out the solution. You know that for some time past Great Britain and Russia happened to be great friends; and I think that, for want of a better precedent, our administrators had good preceptors in the Russian despots, and that this piece of legislation is only a heritage of that friendship between Great Britain and Russia. If I am right in my surprise, these are good grounds for demanding a repeal of these acts. Russia has recently played false to the Allies and deserted England. Therefore it is time for our administrators to go back to the old state of things. Let them abandon this Russian despotism and make themselves worthy of the British administrators of whom we are all of us so proud.

The continuance of these repressive legislations is a great strain upon our loyalty. We are living as foreigners in our own land, like prisoners

in a castle—lamenting over our lot and the lots of those near and dear to us not knowing what engines of oppression are still being forged to kill our new-born aspirations. Hounded by the police; abused by a reptile press——

Mr. PRESIDENT: " Reptile press " is not in order.

Babu BEJOY KRISHNA BOSE: I withdraw the words.

——distrusted by our rulers, afraid to speak out our minds, how long do you expect the people to remain an inert mass? Repression must cease for ever and obnoxious laws must be repealed.

Sir, take not this as a Swarajist's cry. This is the opinion of everyone who has got the welfare of his country at heart. My friend Maulvi Fazl-ul Haq after finding a family likeness between British laws and " Russian despotism " carried on his antiquarian researches in other neighbouring lands and what he discovered he described in the following glowing terms:—

> Even the much maligned Turk with whose misrule and misgovernment the whole of Europe is now ringing, has disdained to allow repressive legislation to blacken his statute book. As far as I am aware there are no Arms Act, no Press Laws in Turkey. They are certainly out of place in India and under the administration of rulers who belong to a nation who have always claimed to be the sponsors of liberty and freedom throughout the world. Let the British rulers consider whether they will consent to the perpetuation of laws and enactments which so violently militate against all principles of liberty and freedom, and which have hardly found any favour with even the Turk or the Tartar.

And then he exclaimed—

> Repressive legislation of all kinds must be repealed and the slur that such legislation seeks to put on our loyalty must be removed.

Will the Government agree with its Minister or will it agree with us in a vote of no-confidence in the Minister?

I have no doubt, Sir, that I will be twitted by members on the Government benches, who will say that we are ignorant of the vast amount of information in their possession which justifies the retention of the emergency legislation in the statute book. But is it our fault that we do not possess the knowledge? Officials from the highest downwards say: "We cannot place the information we possess before the public." They decline also to place all facts before any court of law. Judicial proceedings are discountenanced. It will be an evil day when the executive *ukase* takes the place of judicial proceedings in dealing with the liberties of subjects. Like the Government we are interested, perhaps more interested than you think, in (*1*) a strong Government, (*2*) in wise laws, and (*3*) in the maintenance of public order. We hate murders and robberies. The weapons in our armoury are not bombs and revolvers but non-violence and peaceful evolution of the country. Detention of men without trial and the retention of emergency laws only create discontent, spread disaffection and unrest. It is because we want to remove

discontent, strike at the root of unrest that we demand the repeal of the laws which have their counterpart only in Ireland and Russia. It is because we do not want the situation in this country to grow as it had grown in those countries, and which we shudder to think of, that we ask for their abrogation. Materials may be placed before High Court Judges for examination—but all depends upon what materials are placed. If they unequivocally establish the existence of conspiracies and the complicity of men in them, are there not sections in the Penal Code quite applicable for placing them on trial on definite charges? It will not be opposed to public policy to face such trials—but the non-trial and hurrying the men away to secret destinations only create more discontent and outrages.

Sir, "fear and mistrust of each other" do not blind our eyes only. They blind official eyes equally. In demanding the repeal of the laws held by us to be obnoxious we are actuated by one motive and one motive only. We want to remove "the motives of such crimes." Bengal was quiet from 1916. There had been no outrage worth the name since that year. Only three instances happened last year and as the subject-matter of the charges are under judicial trial at Alipore, I think, Sir, neither I, nor any other member of this House, whether an official or otherwise, can discuss the subject, nor can any reference be made to the pending trial before the High Court Sessions. But what has made the country nervous is the detention under the emergency laws of a large number of men, the many house searches and other activities of the C. I. D. So long as these things continue, the motives for these crimes remain, and in giving plainly and outspokenly our views before the House we take courage in our hearts and manfully bear the "slings and arrows" of outrageous official frowns and threats.

Dr. J. M. DAS GUPTA: I propose the same resolution as has been moved by my friend, Babu Bejoy Krishna Bose, and I do not want to inflict a speech at this late hour.

Dr. KUMUD SANKAR ROY: I support the resolution moved by Babu Bejoy Krishna Bose and I do not want to make a speech, as it has been already discussed.

Mr. BIRENDRA NATH SASMAL: Mr. President, I support the resolution moved by my friend, Mr. Bejoy Krishna Bose, wholeheartedly. My reasons for doing the same are very few indeed. The Prevention of Seditious Meetings Act might have prevented meetings at times in this country but it has not prevented, and it cannot prevent, sedition unless the root cause which produces sedition in this country is wholly removed. I am sure there is no one in this House or even outside it who is interested in the prevention of the former without the latter being prevented as well. May I ask how the latter can be prevented? May I ask of those who are anxious to prevent sedition in this country how sedition in this country can be prevented? Are they aware of the root cause of sedition

in this country? I feel sure that they are not, and if they were, instead of keeping the Prevention of Seditious Meetings Act on the Statute Book they would have applied their minds to eradicating the cause which produces sedition. The cause is—and it ought to be known to all clearly and definitely—that our conception of Indian nationhood is inconsistent with the irresponsible system of Government that at present obtains in this country. They are kind enough to advise us to attend to the industrial development of the country, as was done yesterday. They even graciously talk of British instincts here but what is that instinct which forbids them to make the executive of the counry responsible to the taxpayers? It is the instinct of greed—inhuman irrational greed—which may or may not be inconsistent with the traditions of the West but which is a million times incompatible with the teachings of that Prince of Peace, Jesus of Nasareth. I believe that the greatest enemies of peace and progress in this country are not the so-called seditionists of India, but all those who throw away their religious books in the Bay of Bengal when they come here and forget that "Righteousness exalteth a nation."

Mr. PRESIDENT: Mr. Sasmal, you cannot enter into religious topics here. You must withdraw.

Mr. BIRENDRA NATH SASMAL: Yes, Sir. I withdraw. Nobody can prevent sedition by the Prevention of Seditious Meetings Act unless the root-cause thereof is removed. Similarly, the Indian Criminal Law Amendment Act of 1908 might have amended the then existing criminal law of the country, but it has never altered and it cannot under any circumstances alter the habits of the people, social and patriotic as they are, to form themselves into associations for the betterment of this hapless land of theirs. Sections 15 and 15 (*a*) of the Police Act and other connected sections thereof might empower the executive to quarter punitive police in disturbed areas and tax people indiscriminately for their maintenance as is being done now in my district in the Jhargram subdivision of Midnapore, where the disturbance complained of has resulted in a fine of a few rupees and perhaps also imprisonment for a few days but where the annual tax to be imposed upon the people amounts to 60 or 70 thousand of rupees—but they cannot empower anybody to quarter affection in any one's heart for a Government which he does not like and which he desires to see changed forthwith.

Bengal Regulation III of 1818 may deport individuals to unknown destinations without trial most barbarously and shamelessly in this 20th century but for God's sake let it not be forgotten that it cannot deport the soul of a nation. The Indian nation has already taken its birth; it is growing apace and uninterruptedly, in spite of the prevention of public meetings and public associations and public trials. Is there no statesman in the British Empire to-day who can admit at once the eternal truth that the soul of a nation can never be deported or imprisoned? Admit it not as a politician or a newspaepr writer, not as an administrator

belonging to a particular party or class, but as a plain and simple son of his father, absolutely sincerely and honestly, before his own conscience and Maker? Is there no one in the British Empire to-day who can declare that he advocates its cause, even if that means some pecuniary loss to some of his kith and kin because he feels in his heart of hearts that he ought to do so? What nobler cause and greater duty can a true follower of Christ conceive and perform?

Mr. PRESIDENT: Please do not enter into religious matters, Mr. Sasmal, because you are liable to be taken amiss. There must be forbearance on either side.

Mr. BIRENDRA NATH SASMAL: I bow to your ruling, Sir. India is at present demanding a calmer atmosphere and a change in the system of administration of this country, and if all these laws are removed from the statute book and the lesser change demanded conceded, then I believe for half a century or more there is bound to be peace and goodwill throughout the length and breadth of this country. And, considering the speed in which the world is moving to-day, it would be unwise for a statesman to look beyond that period. But if it is in the orderings of Providence that this is not to be, then let all those interested in the good administration of this country beware that India's demands will be greater and greater every day in the near future and the Government of the country will ever remain responsible for the same. Sir, feelings embittered and sentiments outraged on comparatively small matters are bound to cloud the horizon when the larger issue forces itself for solution.

Adjournment.

The Council was then adjourned till 3 P.M. on Monday, the 28th January, 1924, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 28th January, 1924, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers (the Hon'ble Mr. A. K. Fazl-ul Haq and the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi), and 109 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given).

Technological Institution in Calcutta.

*XXIX. **Babu MANMATHA NATH ROY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether the scheme for a Technological Institution in Calcutta has been sanctioned?

(*b*) If so, are the Government proposing to establish the Institution in the near future?

(*c*) If so, when?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Chuznavi): (*a*) The answer is in the negative, but the Calcutta Technical School is a sanctioned scheme, from which it is hoped ultimately to develop a Technological Institution.

(*b*) and (*c*) Do not arise.

Visits of Director of Agriculture and his staff to Calcutta.

*XXX. **Babu NALINIRANJAN SARKAR:** (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(*i*) the number of time the Director of Agriculture visited Calcutta during the year 1923;

(*ii*) the purposes of his visit and duration of his stay on each occasion; and

(*iii*) the total cost in travelling allowance on account of his visit during the year?

(*d*) Is it a fact that the Director of Agriculture's office clerks also visit Calcutta occasionally?

(*e*) If so, will the Hon'ble the Minister be pleased to furnish information on the above heads in respect of the visits of the clerks?

(*d*) Do the clerks always accompany the Director of Agriculture or come and stay in Calcutta when the Director is not in Calcutta?

(*e*) Has the Hon'ble the Minister considered the question of removing the headquarters of the Director of Agriculture to Calcutta?

(*f*) If not, are the Government considering the desirability of going into the matter now?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: (*a*) (*i*) Eight times to Calcutta itself and ten times to Calcutta *en route* to other places.

(*ii*) Preliminary and Final Jute Forecast work, Fishery work, Exhibition work, Unemployment Committee meeting, Budget, Retrenchment, and other miscellaneous office work.

Except during the occasions of Preliminary and Final Jute Forecasts, the Director stayed in Calcutta at most only a day or two during each trip.

(*iii*) Rs. 1,221-13-0.

(*b*) The answer is in the affirmative.

(*c*) (*i*) and (*ii*) The Director's tour clerk accompanied him on nearly every occasion. Other clerks accompanied the Director of Agriculture to Calcutta 4 times in connection with publication of the Preliminary and Final Jute Forecasts, Public Accounts Committee, and other work enumerated in the answer to part (*a*) (*ii*) of this question.

(*iii*) Rs. 1,532-15-0.

(*d*) Except in two instances no clerk came to Calcutta without the Director.

(*e*) and (*f*) The headquarters of the Agricultural Department were transferred to Dacca after mature consideration in 1918. Nothing in the experience since gained leads Government to believe that a return to Calcutta is desirable.

Babu NALINIRANJAN SARKAR: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether the Agricultural Association has suggested the desirability of transferring their headquarters to Calcutta?

The Hon'ble Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I have not heard anything about it.

UNSTARRED QUESTIONS

(answers to which were laid on the table).

Dismissal of four officers of the Customs Preventive Service.

33. Mr. H. BARTON: (*a*) Is the Hon'ble the Member in charge of the Department of Finance aware that there is a general feeling of discontent amongst the members of the Customs Preventive Service occasioned by the recent dismissal of four officers of the Service in respect of certain allegations by one Gajanand, Manager of the firm of Asharam Joharmull and Company, in connection with the short weighment of stick-lac?

(*b*) Is the Government satisfied that the evidence in the case is sufficient to justify the action of dismissal by the Collector of Customs against all four officers?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): (*a*) Government are not aware of any such feeling. The dismissals referred to were not the result of allegations by the manager of the firm mentioned, who merely corroborated the records which showed under-weighment.

(*b*) The officers have a right of appeal and unless they exercise it Government will not examine the evidence.

Retirement on age-limit.

34. Maulvi Md. NURUL HUQ CHAUDHURY: Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a statement showing the number of Government servants (excluding menials and chaprasis) due to retire on the question of age-limit in the year 1924 under—

(*a*) the District Judge of each district of Bengal,

(*b*) the Judicial Department of the Bengal Secretariat, and

(*c*) the Legal Remembrancer's office?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) to (*c*) The information is not immediately available and its complication would involve an amount of trouble incommensurate with its utility.

Retirement on age-limit.

35. Maulvi Md. NURUL HUQ CHAUDHURY: Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state how many persons (excluding menials and chaprasis) are due to

retire on account of age-limit during the year 1924 in the office of the Irrigation Department of the Bengal Secretariat?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): The information is not immediately available and its compilation would involve an amount of trouble incommensurate with its utility.

Circulation of administration reports to members of Legislative Council.

36. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether the Government are considering the desirability of circulating the reports for the year 1922-23 on the administration of the various departments to the members of the Bengal Legislative Council before the commencement of the coming Budget discussion?

The Hon'ble Mr J. DONALD: The Bengal Secretariat Book Depôt circulates every month to all non-official members of the Legislative Council a list of the official publications, including administration reports, issued during the preceding month, and each member may obtain copies of such of these as he desires by making his list and returning it to the Book Depôt for compliance. This is the ordinary procedure, but if new members of the Council desire any of the reports for 1922-23, copies, if available, will be supplied to them on application to the Officer in charge, Book Depôt. Copies of the reports already published will be found in the Library of the Legislative Council, where members may refer to them.

Accident at Bagbazar ferry ghat.

37. Rai HARENDRANATH CHAUDHURI: (*a*) Is the Hon'ble the Member in charge of the Marine Department aware that a serious accident happened on the morning of the 4th December last at Bagbazar ferry ghat when a woman got her legs entangled in rope and her right foot up to the ankle was severed while her left foot up to the ankle got severe injuries?

(*b*) Is it a fact that the accident occurred owing to the negligence on the part of the crew of the ferry steamer in which the woman was travelling?

(*c*) Is it a fact that the injured woman was left unconscious on the Bagbazar Pontoon and no steps were taken by the crew to convey her to the hospital?

(*d*) What steps, if any, have been taken by the ferry steamer authorities to punish the crew responsible for the accident and to compensate the aggrieved party?

(*e*) Is it a fact that the Port Commissioners' ferry steamers of the northern section often carry more passengers than the allotted capacity?

(*f*) If the answer to (*e*) be in the negative, are the Government considering the desirability of instituting an inquiry into the matter?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) Yes; but the right foot was amputated in hospital, and not severed by the rope.

(*b*) No.

(*c*) No. First aid was at once given by the Station staff, and an ambulance obtained within 15 minutes in which the woman was conveyed to the Mayo Hospital by a constable and secunny.

(*d*) No such steps have been taken, because the crew are not considered to have been negligent.

(*e*) Inquiries and inspections do not show that this is a fact.

(*f*) No.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge be pleased to state what were the immediate causes of the accident?

SECRETARY to GOVERNMENT, MARINE DEPARTMENT (Mr. A. Marr): I have no information as to the causes of the accident, but I understand it was owing to a rope breaking.

Reclamation and settlement of waste lands in the 24-Parganas Sunderbans.

38. Babu KHAGENDRA NATH CANGULY: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state—

(*i*) the policy adopted by the Government in regard to reclamation of waste lands in the 24-Parganas Sunderbans;

(*ii*) the period from which the policy has been initiated; and

(*iii*) the amount spent by the Government of Fraserganj and the percentage of profit or revenue derived therefrom?

(*b*) Will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of settling waste lands with capitalists in special cases when the latter are prepared to incur all expenses necessary and at the same time offer suitable terms which are equally or more profitable to Government?

(c) Will the Hon'ble the Member be pleased to lay on the table a statement showing the amount of capital outlay by Government and the net percentage of profit or revenue derived after deducting interest on capital, maintenance, establishment and collection charges on these waste lands?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (a) (i) The policy adopted by Government for the reclamation and settlement of waste lands in the 24-Parganas Sundarbans is laid down in the rules published with Notification No. 1601 L. R., dated the 15th February, 1919, which are reproduced in Chapter V, pages 39 *et seq.* of the Bengal Waste Lands Manual, 1919.

(ii) The policy was first introduced in 1904 as an experimental measure, but was abandoned in 1910 on the ground of the unsuccessful financial results of the Fraserganj scheme. In 1918 the Board again propounded a scheme for raiyatwari settlement which was definitely introduced in 1919.

(iii) The total expenditure on the Fraserganj scheme was Rs. 5,24,184 of which Rs. 4¾ lakhs were spent on actual reclamation work. The estate was leased out to a landlord in 1910 for a term of 40 years and the total revenue, viz., Rs. 5,42,570, that will be derived will barely cover the amount that had been spent on the reclamation of the estate.

(b) No; the member is however referred to rule 5, Chapter I, page 1, of the Waste Lands Manual, 1919, which lays down the special circumstances under which settlement with capitalists may be made with the specific sanction of the Board.

(c) There are only two cases which show capital outlay by Government and the return in the shape of rent, viz., Saugor 1st Part and the 2nd and 3rd Parts. A statement is laid on the Library table showing the particulars required in these cases. Capital has also been spent during the last two years on Ramkarer Char, but the return will not commence till next year.

Extension of Central Avenue north of Beadon Street.

39. Mr. TARIT BHUSAN ROY: (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the reason why the Scheme of Extension of the Central Avenue beyond the Beadon Street towards the north has not yet been taken up by the Calcutta City Improvement Trust?

(b) Will the Hon'ble the Minister be pleased to state when the above extension is likely to be undertaken?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. C. S. Dutt): (*a*) The Board when considering its future programme on the 11th June, 1923, decided that the Howrah Bridge approach must take precedence over any other scheme but that the Extension of Central Avenue must also be kept in the forefront of the Trust's future programme.

(*b*) It is not possible to say when the Extension of Central Avenue north of Beadon Street will be undertaken.

North Bengal Flood.

40. Babu SUDARSAN CHAKRAVORTY: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a copy of the report of the North Bengal Flood Committee?

(*b*) If the said Committee has not submitted its report, will the Hon'ble the Member be pleased to state when it is likely to be submitted?

(*c*) Is the Hon'ble the Member aware that in 1918 there was in the same locality, or nearly the same locality, a flood causing great loss of life and property?

(*d*) Will the Hon'ble the Member be pleased to state—

(*i*) how many lives and what amount of property were lost owing to the said flood of 1918;

(*ii*) what, if anything, was done after 1918 to prevent a recurrence of such floods?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) The report has not yet been submitted to Government.

(*b*) Probably by the 31st March, 1924.

(*c*) Yes, Government are aware of a similar flood in nearly the same locality in 1918.

(*d*) (*i*) Eight lives were lost.

Information regarding the property lost will be found in the Final Report on the relief operations, a copy of which is laid on the Library table.

(*ii*) The following additional waterways were provided for the Eastern Bengal Railway:—

(*1*) Between Santahar and Bogra—Total increase of waterway, 34 ft.

(*2*) Between Katihar and Parbatipur—Total increase of waterway, 81 ft.

After the 1922 floods further openings have been made; on the Santahar-Bogra Section an extra 460 ft., of waterway has been provided and on the Sara-Serajganj line 600 ft. The extra openings to be provided on the other branches are under investigation.

Retirement on age-limit.

41. Maulvi Md. NURUL HUQ CHAUDHURY: Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state how many persons (excluding menials and chaprasis) are due to retire during the year 1924 in the offices of the—

(*a*) Secretary to the Public Works Department of the Bengal Secretariat; and

(*b*) Executive Engineer of each division?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan Ghuznavi): The information is not immediately available and its compilation would involve an amount of trouble incommensurate with its utility.

Retirement on age-limit.

42. Maulvi Md. NURUL HUQ CHAUDHURY: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state how many persons (excluding menials and chaprasis) are due to retire on account of age-limit during the year 1924 in the offices of the—

(*a*) Secretary to the Local Self-Government,

(*b*) Surgeon-General of Bengal, and

(*c*) Director of Public Health?

Mr. C. S. DUTT: (*a*) The Registrar in the Local Self-Government and Education Departments will attain the age of 55 years in June, 1924, and is expected to retire.

(*b*) and (*c*) None.

Chaukidars of Tippera and union improvements.

43. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to lay on the table a list, year by year, showing—

(*i*) the total amount of fines realized in the last three financial years from the Chaukidars and Dafadars of Tippera district;

(*ii*) the amount realised for uniforms from them for the same period;

(*iii*) the amount paid as rewards to them; and

(*iv*) the amount spent for their uniforms?

(*b*) Are the Government considering the desirability of spending the surplus balance, if any, for the improvement of the Unions?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*), (*iii*) and (*iv*) A statement is laid on the table.

(*ii*) The cost of their uniforms is not realised from Dafadars and Chaukidars.

(*b*) Under section 25 of the Village Self-Government Act, which is in force in Tippera district, all fines realized from a Dafadar or Chaukidar are credited to the District Chaukidari Reward Fund. The surplus, therefore, cannot be appropriated to the improvement of the Unions.

Statement referred to in the reply to clause (a) of unstarred question No. 43.

TIPPERA DISTRICT.

	FINANCIAL YEAR.		
	1920-21.	1921-22.	1922-23.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
Total amount of fines realized from Dafadars and Chaukidars (*i*).	4,575 1 3	2,400 4 3	1,632 1 6
The amount paid as rewards to Dafadars and Chaukidars (*iii*).	3,895 5 6	2,432 12 0	1,632 1 6
The amount spent for the uniforms of Dafadars and Chaukidars (*iv*).	18,726 12 3	12,184 6 9	14,794 13 0

Royal Calcutta Turf Club and Barrackpore Temple affairs.

44. Dr. BIDHAN CHANDRA ROY: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether the Government have recently alienated to the Royal Calcutta Turf Club any lands at Barrackpore; if so, when?

(*b*) What is the total area of the lands, and the consideration money which the Government have received for the same?

(*c*) Will the Hon'ble the Member be pleased to state whether the land was offered to the public for sale, or was it sold to the Turf Club by private arrangement?

(*d*) If the land was sold by private arrangement, why was this done?

(*e*) Will the Hon'ble the Member be pleased to state whether there is any procedure by which the public can be notified as to any intended sale of public land or property by the Government?

(*f*) Will the Hon'ble the Member be pleased to state whether there are any conditions or restrictions attached to the sale of this land to the Calcutta Turf Club?

(*g*) Do these conditions give them the right to demolish a temple which had been built on the land some years ago, with the knowledge and permission of the Cantonment authorities; and in memory of the 3rd Brahman Regiment?

(*h*) Are the Government aware of a feeling of resentment which has been aroused in the public mind due to the recent demolition of this temple by the Calcutta Turf Club?

(*i*) Is it a fact that the Subdivisional Officer and the Police assisted the Club to demolish this temple?

(*j*) If so, was this done with the knowledge of the Government?

(*k*) Will the Hon'ble the Member be pleased to state—

(*i*) whether this matter has been finally settled;

(*ii*) whether the temple has been finally saved?

The Hon'ble Sir HUGH STEPHENSON: (*a*), (*b*), (*c*), (*d*), (*f*) and (*g*) The transfer of land in the Barrackpore Cantonment to the Royal Calcutta Turf Club was made by the Government of India in the Army Department and this Government are therefore not in a position to give information as to the terms of the transaction.

(*e*) Yes, when the sale is open to the public.

(*h*) The facts of the incident alluded to are as follows. Subsequently to the transfer of the land the Royal Calcutta Turf Club came to an agreement with the local priests of a Hindu temple on the estate for the maintenance of the temple and the support of the priests, on the understanding that the surrounding wall, and certain out-houses, should be removed. The demolition of the compound wall was begun on the 3rd December, but was stopped the same day by order of the Cantonment Magistrate on the application of the local *Pujari* and on the 8th December an injunction against proceeding with the work was served by the Court of the Munsif of Sealdah on the application of one Maharaj Iswardas Mohunta residing at Ajodhya. It subsequently became evident that excitement was growing among the Hindu labouring classes of the locality under the impression that the temple building was to be demolished. The Royal Calcutta Turf Club who had not proceeded further with the work after receipt of the injunction subsequently agreed to rebuild the demolished structures, and there is no reason at present to apprehend any further trouble over the matter.

(*i*) A Sub-Inspector and Head Constable were present at the demolition of the outer wall under the orders of the Cantonment Magistrate. The Subdivisional Officer had nothing to do with it.

(*j*) Government had no previous information.

(*k*) (*i*) and (*ii*) It is understood that the matter has been finally settled between the Royal Calcutta Turf Club and the Temple authorities.

Resolutions

on matters of general public interest.

Repeal of certain Laws.

Rai HARENDRANATH CHAUDHURI: In view of the fact that the resolution, which is going to be moved by Mr. Chakravarti, covers a wider ground and I desire to support it, I beg leave to withdraw my resolution.

The following resolution was then, by leave of the Council, withdrawn:—

"This Council recommends to the Government to request the Government of India to take immediate steps for the repeal of Laws Local Extent Act, 1874 (XV of 1874), so far as it extends the application of Bengal Regulation III of 1818 to Bengal."

Mr. BYOMKES CHAKRAVARTI: I move that this Council recommends to the Government that immediate steps be taken to move the proper authorities to repeal, in regard to Bengal, the following laws, viz., Bengal Regulation III of 1818, the Indian Criminal Law Amendment Act and the Seditious Meetings Act.

I, for one, concede that the first duty of a civilized Government is the maintenance of law and order. There is no doubt about that. But at the same time I enter my emphatic protest against the statement that the expression "law and order" should include repressive measures. If I may be permitted, may I read a passage—it won't take the House very long, because I want myself to be very short—from the great English Jurist Blackstone?

> To bereave a man of life by violence, to confiscate his estate without accusation or trial would be so gross and notorious an act of despotism as must at once convey the alarm throughout the whole kingdom. But confinement of the person by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking and, therefore, a more dangerous engine of arbitrary Government.

As I have the honour, amongst the members of this House, of addressing English gentlemen, I do hope that the English gentlemen will bear in mind what was said by their own great Jurist. I come to more recent times. The members of this House are aware that there were troubles at the time when Lord Morley was the Secretary of State for India and Lord Minto the Viceroy. Members are also aware that some deportations commenced then. I am told that one of the deportees is now a pillar of strength to the present Government. However that may be, in 1909 Lord Morley wrote to Lord Minto as follows:—

> I won't follow you in deportations. You state your case with remarkable force, I admit. But then I comfort myself in my disquiet at differing from you by the reflections that perhaps the Spanish Viceroys in the Netherlands, the

Austrian Viceroy in Venice, the Bourbons in the Sicilies and a Governor or two in the old American Colonies used reasoning not wholly dissimilar and not much less forcible.

I venture to think, however atrocious a measure may be, however it may infringe the ordinary liberties of the citizens, reasons have been found and it has been in the mouth of every one from time immemorial that, for the sake of law and order, it is necessary to resort to repressive measures. When the Bourbons—the greatest of the Bourbons—Louis XIV had to defend his conduct his answer was *l'etat c'est moi*—"you speak of Government—you speak of administration, that is me," and the Bourbons defended their *lettres de cachet* in their Bastille, on the ground of law and order. I am reminded by Mr. C. R. Das that Louis XIV further said *apres moi lè déluge*. However that may be, let us come to more recent times. The members of the House have heard the name of Dr. Masaryk who is now the respected President of the Republic of Czecho-Slavokia. When the Austrian Government was in power, he was condemned to death in the name of law and order. He had to flee from his country and take shelter in England. The Siberian exiles were defended on the ground of law and order. Therefore, when the expression "Law and Order" is trotted out, it does not, in the slightest degree, interfere with my point that it has been the cry from time immemorial of every irresponsible authority which is also irresponsive. Science has shown that even mineral matter—even inorganic matter—is capable or responding to external stimuli. But I have not yet found any irresponsible Government responding to the stimulus of public opinion. It seems to me that irresponsible Government is also synonymous with irresponsive Government not being capable of appreciating the opinion of the people governed by them.

The measures against which we are complaining, so far as my resolution is concerned, are three. But apart from my resolution, as there is a resolution before the House moved by my friend Babu Bejoy Krishna Bose, I shall have to say a word or two with regard to the portion of that resolution which goes beyond mine.

In the first palce let us take Bengal Regulation III of 1818. It is more than a century old. The members of the House are aware that conditions in India in 1818 were such that it was necessary to pass that Regulation. It was intended for the purpose of preventing interlopers from foreign countries coming into this country and creating difficulties, amongst others, in the Indian Feudatory States. This hoary good old friend of ours, although more than 100 years old, still seems to be as young as ever. Age does not seems to have affected its vitality. What we do find in this: There was a solemn Committee appointed for the purpose of saying good-bye to this particular regulation. They said it was an archaic piece of legislation and ought not to be on the Statute Book. They further said that they were not going to apply it except to the inflammable Frontier Provinces. The provisions might however be applied if

there was any trouble with regard to the subjects of Indian Princes and beyond that Regulation III would not be applicable. That was the finding of the Committee. It was followed by a resolution of the Government accepting the recommendation of the Committee. Can there be any justification that in the year of Grace 1923 after the publication of that report—about 12 months after the publication of that report—that report, as the members are aware, was published in a *Gazette Extraordinary* of the Government of India on the 19th of September, 1922, —very nearly after 12 months it was thought that recourse might be had to the provisions of that Regulation for the purpose of hurrying into jail some 17 persons of His Gracious Majesty's subjects? How can we, who have to deal with the people of the country—because we are the people of the country—how can we justify this action after the most solemn declaration not by the local Government but by the Central Government itself?

Something has been said with regard to the change of heart. I have known the Hon'ble Sir Hugh Stephenson for very many years. I think he is a very goodhearted gentleman. I have known—I do not see him here—the Hon'ble Mr. Donald. He is also, as far as I know, a very goodhearted man. I do not think any change of heart is necessary. But they are suffering from the food of repressive legislation which has created a certain amount of depression in their heart. The moment you remove the depressive food, the heart will return to its normal condition. I see the Hon'ble the Maharajadhiraja Bahadur of Burdwan seated there. I have always been a great admirer of his. But I am afraid the Hon'ble the Maharajadhiraja Bahadur has been hypnotized by the glitter of repressive legislations. But there may be a reason for it. The Hon'ble Maharajadhiraja Bahadur is not only in the penumbra but in the umbra of "the coming events that cast their shadows before." Therefore, he is suffering from optical illusion—is suffering from chromatic aberration.

It may be said what is the remedy that you suggest? I say— give up this method of repressive legislation. Try in its place conciliation, concession and sympathy and you will find that the threatening clouds will disappear, all the storm and stress will disappear and the gloom will disappear and we will have sunshine instead, and there will be good will amongst all of us.

Babu MANMATHA NATH ROY: I move the resolution which stands in my name and also to support the resolutions which have been moved by Mr. Basu and Mr. Chakravarti. My resolution runs this:—

"That this Council recommends to the Government that it should immediately move the Government of India for the immediate repeal or withdrawal in regard to Bengal of the following laws:—

(*i*) Bengal Regulation III of 1818;

(*ii*) Indian Criminal Law Amendment Act, 1908; and

(*iii*) Seditious Meetings Act, 1911."

I have brought forward this resolution not only because I think that these statutes are an encroachment on the rights of the people which they legitimately claim, but also because I am firmly convinced that they will add to the difficulties of the Government in the administration of the country. It seems to me, Sir, that these statutes are a flagrant violation of the pledge that was given by the Crown in the Queen's Proclamation of 1858, for, in that Proclamation, I find:—

> We hold ourselves bound to the Natives of our Indian territories by the same obligations of duty which bind us to all our other subjects; and those obligations by the blessing of the Almighty God, we shall faithfully and conscientiously fulfil.

It is undeniable that such statutes are not *permanent* laws—I mean *permanent* laws in the rest of the British Empire. I do not propose to go into further details, but to members of the Government, I cannot help sounding a note of warning. Do not be deluded into the belief that the use of extraordinary powers during some years past has in any way proved a remedy. You say you may ask for further powers. I wish and I hope you are not serious, or that at all events you will never ask for them. Remember that you have to combat not the body but the mind of the people. Do not forget the teachings of history. Give up all vain ideas of prestige. Remember what heavy penalty repression, coercion, and prestige had to pay in France or in Russia. It will be the height of folly and a regrettable lack of foresight if the Government persists in its present policy. I implore you for the safety of the Empire to give up your present policy or you will be beset with greater difficulties and dragged deeper into the mire.

Babu SARAT CHANDRA BASU: I wish to add only a few words from a practical point of view. I am not going to trouble you with the ethics of legislation or the applicability of the repressive laws to the particular conditions of the country at this time; but I want to remind you—remind all my friends here—that there is the old saying that a bad workman quarrels with his tools. We have had enough legislation in this country—I believe more than enough—and our Statute Books are full. If proper attention is paid to the ordinary statute laws standing in the country I do not believe any special legislation or any repressive measure would be necessary. To give an illustration: if a man does not know how to write even if you give him the best of pens and the best of papers and pour the whole ink-pot over his head, he will not be able to write. What happens in our country is that proper attention is not being paid to the ordinary laws as they exist and proper diligence is not being exercised for the administration of the country with the help of those ordinary laws. It is more on account of the inefficiency on the part of the administrators and of the people engaged in the executive function of the Government that the officers find that they are not able to cope with the work that comes before them and therefore, they want to strengthen their hands by fresh measures and by more repressive legislation. We all

know—I know from my personal experience of 37 years in the profession of law in several districts both in Eastern and in Western Bengal as well as in several districts in Bihar—that wherever there are proper executive officers and they pay proper attention to their work, they are quite able to manage the business with ability and to the satisfaction of all concerned. But whenever we find that there is inefficiency lurking at the bottom of the whole thing, we always find excuses. One of the principal excuses that are put forward nowadays in the lamentable condition of the country owing to non-co-operation—sedition and swaraj bogies standing in front of them. They, therefore, want repressive laws to strengthen their hands. What we want now is not abundance of legislation or abundance of power, but abundance of caution and abundance of honest efficient work. If our executive officers *try* to do their work with the ordinary laws of the country, they will find it easy enough. As a matter of fact they apply more diligence in hunting for excuses than for doing the work that comes before them. So that what is necessary nowadays is to get capable, honest men who will be *in touch with the people* and will know their wants, their aspiration as well their shortcoming. Such men will be able to manage the whole thing with the aid of the ordinary laws—the ordinary laws that have been in existence for over a century. The country has worked so well with the help of those laws. The repressive laws are necessary at two periods of time, viz., when the Government is in the making and when it is in the passing. I hope our Government has not come to that last stage when again these repressive laws would be deemed necessary for the administration of the country. We can quite understand the necessity of such legislation at the time when we found these laws to come into existence, viz., at the latter end of the 18th or the beginning of the 19th century when the British administration was in the making; but thereafter we have gone on ever so well with the ordinary laws, and the people have been happy. But measures that are now sought to be exercised from the archives of the old legislation are extraordinary measures which are necessary to meet only extraordinary cases. But are there such cases? We do not find any. If there is anything extraordinary it lies in the action of the executive officers of the Government under these extraordinary laws and it is by their extraordinary action that extraordinary events have been brought about which may be to a certain extent deplorable. Remove these laws and these extraordinary events will disappear. We all know nowadays there has not only been extraordinary action on the part of executive officers but—I may be pardoned for saying so—there has been quite a luxury of litigation on the part of Government both civil as well as criminal. We know that nowadays various measures are put forward, various cases are instituted notwithstanding the advice of the veteran Public Prosecutors in the districts. It is on account of such adverse opinion of the Public Prosecutors that they are now being removed to make room for new and inexperienced men——

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): I do not think this is quite relevant to the point under discussion.

Babu SARAT CHANDRA BASU: I will not trouble you further upon it, but what I do submit is this: that the ordinary laws criminal as well as civil are quite competent to deal with all sorts of things that may come to pass however regrettable those things may be. I therefore submit that these old repressive laws may be done away with and the mentality that contemplates the making of fresh repressive measures may also be changed substantially.

Rai HARENDRANATH CHAUDHURI: I rise to support the resolution that has been moved by Mr. Chakravarty. The resolution, as framed, demands the repeal of three of the Repressive Laws, viz. Regulation III of 1818, the Criminal Law Amendment Act and the Seditious Meetings Act. Sir, much has been said on Regulation III and Mr. Chakravarty was quite right in placing before the House the exact recommendation of the Repressive Laws Committee. The Council should clearly understand what that recommendation was. It was nothing more or less than this: that the future application of Regulation III of 1818 should be confined only to the "original object" of the Act. I think, Sir, no right-minded person can be disposed to quarrel with that recommendation. Now what was the original object of the Act? It was declared to be "the due maintenance of the alliances formed by the British Government with Foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of British Dominions from foreign hostility"; and so far as the suppression of "internal commotion" is concerned, it should be applied only to the "inflammable frontier." The recommendation of the Repressive Laws Committee, therefore, did not contemplate any such use of the Act as is now made. At any rate it did not contemplate that the Act should be used for the suppression of any internal commotion, revolutionary conspiracy or whatever it may be, in the Province of Bengal. So much for Regulation III of 1818.

Coming next to the Criminal Law Amendment Act, we find that Part I of the Act which deals with special Bench and special procedure stands repealed. Only the second part which with unlawful associations is still in force and our resolution only covers that part. Of late we have heard much of the recrudescence of revolutionary conspiracy in Bengal. But we never heard it alleged that these revolutionists are working in and through some unlawful associations which require to be suppressed by the application of the Criminal Law Amendment Act. Under these circumstances I believe that there is no occasion for the retention of this part of the Act, so far as Bengal is concerned.

Now as to the Seditious Meetings Act, was it not the Act regarding which no less a person than that eminent jurist the late Sir Rash Behari

Ghosh observed that it was not simply an Act for the prevention of Seditious Meetings but an Act for the promotion of underground sedition as well? Sir, his words must still be ringing in the ears of educated India and I hope, I may be allowed to quote some of his remarks. He said—

I oppose these measures because I am fully persuaded that they are foredoomed to failure. I oppose these measures because they will intensify and not mitigate the evil which you are seeking to guard against. I oppose these measures– it is no paradox—because I am a friend of law and order, both of which are menaced by them. I oppose these measures because the Government of India already possess all the powers they can reasonably want in the armoury of the Penal and Criminal Procedure Code.

Then he proceeded to say—

We have been taught and have learnt to value the right of public meetings and the right of free association as our dearest rights and we should have been unworthy of ourselves, unworthy of the trust reposed in us if we quietly submitted to measures which are aimed at them and which would be so fatal to our national growth.

The truth of all these remarks is quite patent and these trenchant words apply, I think, as much against the enactment of such a measure as against its retention. So far as these Acts are concerned I also take my stand on the principle accepted by the Repressive Laws Committee. The committee no doubt were of opinion that the repeal of these Acts should be deferred but certainly they did not mean that it should be deferred till the Greek Kalends. It was only because when the Committee were sitting and framing their recommendations the political situation was "grave" and it was apprehended might become "more serious" and also because the Government of India at that time was contemplating the use of these Acts on a large scale to break up the volunteer associations and meetings organised by Congress Committees that they did not recommend the immediate repeal of these laws. It was simply for that reason that the committee were of opinion that the repeal of these Acts should be deferred. Otherwise the probability was that of the committee would have urged their immediate removal, "so that the Government of India under the reformed constitution might proceed with a clean slate."

Then there is another point. Much was made of the emergency question in connection with the previous debate. It was said that no Government could altogether dispense with emergency measures. I think, Sir, it is raising a false issue. It is raising a false issue to say that no Government can altogether dispense with emergency measures. That is not our point. We do not say that any Government can dispense with emergency measures at all times or that no Government can require it at any time. We can even contemplate that time may come when our Government may require emergency measures. But the question is who will determine the question of emergency? Whether an emergency has arisen or not justifying the invocation of extra-judicial powers? Certainly, Sir, it cannot be decided by a discussion across a dinner table or in a Turf Club or even in a Chamber of Commerce.

Mr. PRESIDENT: I do not think it is right and proper to indulge in these remarks. The other side may well be provoked to say something about the Congress office and that would be equally out of order.

Rai HARENDRANATH CHAUDHURI: Sir, we claim our inalienable right to determine that question, viz., whether an emergency has arisen or not. That can only be decided on the floor of this House and nowhere else—only by the accredited representatives of the people and not by any other person or persons. That is my point. Government should trust its legislature. That principle was also accepted by the Repressive Laws Committee. They said, "Trust your legislatures." We were told "confidence will beget confidence. If you need exceptional powers, prove your necessity and the Legislatures will grant them. We accept this principle." And this acceptance was unqualified, and we also insist on the unqualified acceptance of this principle.

What we propose, therefore, is that if on any future occasion an emergency measure is required Government should approach us and take that measure from us. It is only we, the representatives of the people, who are to decide whether an emergency has arisen or not, and Government should make use of an exceptional power only after consulting us and not otherwise. A permanent emergency measure is, I think, a contradiction in terms and in that view I support the resolution and demand the total repeal of these Acts.

Maulvi ABDUL GAFUR: In supporting the resolution I have very little to add to the most convincing argument put forth by my friend the mover of the resolution. However, I beg to submit before the House a word or two.

The existence of these lawless laws are so many black spots on the body of Government more so when it feigns to call itself a popular one. These so-called laws exhibit very great defects of the system to the civilised world at large. Their existence is a veritable proof of its inefficiency and inability to tackle a situation with the skill and wisdom of a statesman. The Government should no longer admit its shortcomings by the wilful maintenance of these unwise and inhuman laws.

It is said that Bengal has been suffering from dangerous diseases of discontent, disorder, disloyalty and revolutionary movement. And these barbarous laws are the most effective remedy and they are said to be the magic wands to cope with those ugly things. To be clear, Sir, no Bengali, no Indian is disloyal to His Gracious Majesty the King Emperor. But discontent to the present bureaucracy is at its height in the country. Yes, Sir, not a single Indian can be found to be loyal to the bureaucracy——

Mr. PRESIDENT: This is quite beside the point. What we are endeavouring to discuss is the reasons for the repeal of these laws. Loyalty

towards or discontent with the bureaucracy have nothing to do with the subject-matter of the resolution.

Maulvi ABDUL GAFUR: Surely, Sir, these laws, repressive and oppressive as they are, can never win our love and affection, cordiality and loyalty for the present bureaucracy. Indeed remedy does not lie in that way. The way is humanity and not savage brutality, the remedy is in celestial equality and not in hellish inequality. I ask, Sir, is not discontent or disorder the offspring of the crushing bureaucracy? Is not the revolution the creation of its administration? Sir, let there be no cause of discontent and disorder, of misery and conspiracy, then loyalty and tranquility, peace and prosperity will immediately reign in the country. Sir, have these cruel engines eradicated the alleged political evils or crimes? The answer is an emphatic "No." Yes, Sir, they are no remedy at all. It was not by the magic wand of these savage laws that revolution died out; it is the effect of something else. It was the efforts and endeavours of our leaders to quiet the situation. Indeed, Sir, there was no revolution worth the name. It is again said that these glorious laws are preventives. Preventives of what? Surely they cannot prevent the discontent working in the minds of the people and as Mr. Jones says that there are two kinds of patriots of which one is of dagger and bomb. I ask, Sir, are these so highly praised laws ever sufficient to prevent the hands of those few patriots of dagger and bomb? I for myself know no such patriots nor do I believe that there is such an organisation in Bengal. But if there is such a secret society at all; whose is the fault, Sir? Has not the existence of these laws driven them to such a thing for freedom and liberty of their country? But one thing remains to be seen for were there any such organised secret society, the officials would not move about in this city so very freely. But the recent event at Chowringhee shows that these laws have no power to kill the tendency in Bengal unless and until the people is given Swaraj in the proper sense of the term. I therefore submit that these laws are neither ready remedies nor preventives. Thus these laws defeat the very laws for which they are kept as necessary evils.

These horrible laws create a panic in general—they directly rob us of the freedom of our speech and the safety of persons. Whenever any person wants to give vent to his groanings and gaspings due to the works of the soul killing bureaucracy before his fellow brethren in open field, the cry of the police is sedition, unlawful assembly. And when a few men sit inside the house to deliberate over the miseries and sufferings of our country at once the police cries it is conspiracy and orders immediately follow—"Get the monster arrested under the Seditious Meetings Act; get them under the Criminal Law Amendment Act; get them under the shelved and dusty law of 1818." Well, get them under any lawless law conceivable, hurl them into *hajat* and sent them to jail, if possible, without trial.

It is very difficult to understand, Sir, the import of the evasive term "constitutional means," so very often hurled from the exalted hon'ble members. If it means, Sir, that people should come to Government with their prayer of Swaraj, our leaders have done it times without number; they were given scanty consideration—rather it is said "a handful of persons is not India, the mass does not move. Surely the mass must have been content." And when the leaders asked the mass to get a move in the matter for themselves the cry was otherwise, the tone changed and the leaders were charged with spreading discontent, disorder and revolution. Thus these Russian laws are only to be kept to close every avenue to our political life. But however we are not going to accept the uncalled-for advice of the Engilshman of to-day.

I appeal to the House to accept the resolution unanimously.

Dr. H. W. B. MORENO: I have listened with great interest and attention to the speeches made in regard to this group of resolutions. It seems to me that the three groups of resolutions of which two have already been passed and the third is under consideration have a cumulative effect.

Regarding the first we were told that people who were condemned without trial should be released immediately.

Regarding the second group we were told that people who have been condemned after proper trial and hearing of evidence on both sides were also to be released immediately. This does not seem to me to be very consistent. We were told emphatically by the members of this House that people were innocent who were condemned without trial and those who were tried did not take advantage of the scope which was given to them. And now we are told in the third series of resolutions that all the Acts under which they have been condemned should be repealed. That does not seem to be anything like consistency, rather it seems to me an indication of the mind against the upholding of law and order. So far as this group of resolutions is concerned, let us examine them very carefully to see what is intended. We are told that these laws affecting sedition, these special measures introduced for stamping out sedition should be taken away from the Statute Book. We know that there is such sedition in the land against the present system of Government. But is it not possible for any Government—even for the opposite side coming into power and becoming the Government of the country—is it not possible even for that Government to be opened to sedition as it is for the present Government to be attacked by sedition? What then would be the condition of things if you deprive the land of the necessary armoury to meet conditions of this kind? One must be consistent with one's arguments before one can attempt to convince others. We have seen here in this very House people twitted for what they have said on previous occasions—people who were formerly against the upholding of law and order and who are now on the side of Government and doing their best for the upholding of law and order.

The first of the sub-clauses of these resolutions tells us that there should be an abolition of the law affecting seditious meetings. The second tells us that there must be a cessation even of the law affecting seditious meetings or anything which tends to sedition. Next we are told in the third sub-clause that even special appeals cannot be recorded and the people have no right to compensation from the residents of the locality where such a dangerous element has been introduced—depriving them of the power of even receiving compensation when their property has been attacked. I am told that so far as 1, 2 and 3 are concerned, there can be no proper argument against the keeping of these sections. I certainly think that so far as the Regulation III of 1818 is concerned, there may be some justification for the removal of this Regulation. I hold that it is unfair for the future success of the reformed era to keep any such Regulation in our Statute Book. But I do think that if you remove all these laws affecting seditious meetings, what is to prevent the Government coming up and seeking for further ordinances to crush sedition in a far worse manner than they are able to do with the existing law. We have heard how the Hon'ble the Maharajadhiraja Bahadur told this Council that Government was prepared to come up for even further measures for stamping out such seditious organisations.

I therefore have no sympathy with a statement of that kind which can only add to the feelings of the people who are fighting rightly or wrongly for the liberty of their country. If you want to deprive the Government of the existing laws, there is nothing to prevent them going up for further measures to crush in a more effective way sedition that may be rampant in this country. I only want to say one word in conclusion, and that is that we are here in this House in a position of trust and responsibility, not expressing individual opinions, but representing the groups of people that stand outside this Council and are looking to us for the protection of their liberty. We should be very careful that in this position of trust and responsibility nothing is done to injure the interests of the people we represent in this House. I appeal to all my friends to act more responsibly and see that the Government is upheld, that the interests of those people who have returned us to this House and are looking to us as their trustees are safeguarded and the rights of private individuals protected.

Babu ANILBARAN ROY: In rising to support this resolution I would first remind you that my intention is not at all to embarrass the Government in maintaining law and order. When a Swarajist like myself rises to support such a resolution, Government often comes to the conclusion, a rash conclusion, that our only motive is to embarrass the Government and wreck the Reforms. But I can tell you as a representative of the Swaraj Party that for the time being we have suspended non-co-operation and wrecking. In this House all the Swarajists are really trying to help the Government and work the Reforms. In moving these resolutions, our sole object is to show the Government the real way of obtaining peace and order. We may be mistaken in that, but please give

us credit for that honesty. You say you want these repressive laws for maintaining law and order. Our view is that by such repressive laws you will not be able to preserve law and order. By these repressive laws you will never be able to remove discontent from the country and stamp out revolution. I may repeat to you here a song written by our poet Rabindranath Tagore——

[Here the member quoted a song in Bengali.]

I hope most of the members of this House know Dr. Rabindranath Tagore and will at least give him the credit for having some insight into human nature as far as it is found in Bengal. As non-co-operators, before our voluntary suspension of non-co-operation, we invited these repressive measures. I need not remind the House that we knew that by passing these repressive measures you would undermine such influence as the Government possessed. What was the meaning of civil disobedience? We invited this act of lawlessness on the part of Government knowing full well that it was the best way of embarrassing this Government and undermining its influence. You will not blame us; the warning of the Swarajists is not wanting. We now want to give you a fair trial and ask you to co-operate with us in stamping out disaffection from the land. His Excellency, if I may be permitted to quote his speech, said the other day: "If you want to have peace in the land, have confidence in us. If you want Swaraj, if you want responsible Government, then you must help us." These are his words. "The members of this Council must support me. If you do not help me, I cannot carry on." I use the same words. Do you really want peace and order? Please help us, we the people, want it as much as the Government. We know the temper of our countrymen better than you know them; take us into your confidence and give us a chance of removing discontent. I find in this House there is a spirit of rivalry and competition between the people and the Government. There is a struggle going on between the Government and the people as two rival forces. Whether Government will be successful or the people we do not know; whether it means adoption of the Darwinian theory the survival of the fittest or not. Government are trying its strength, and the people are trying their strength. Government are trying to increase their strength by having recourse to repressive measures, they have revived old rusty weapons, thinking that they will succeed, but they are sadly mistaken. The people think that they will become stronger by using bombs and pistols or other means. Both of them are mistaken. Government has now got a chance, let us try and understand each other, let the people understand the Government. What is to be our attitude now? Let there be a calm atmosphere. We are here not to embarrass the Government; in my own way I am trying to help the Government as much as I can. If you force us by your foolishness, by your repressive laws to be misled, you must thank yourselves. Give us a chance, we have come to this Council with honest motives. We have really come to help the

Government to carry on and improve the administration, to remove difficulties and to bring about a change of heart, and we shall continue to do so if there be a change of heart. Please don't always think that we are here to wreck the Government. Release these political prisoners, there are a few of them, repeal these repressive laws and you will create a calm atmosphere. We want a calm atmosphere; please don't show your red eyes always at us, and use hair-splitting arguments against us. That is the idea with which we move these resolutions. If you will help us, we will also help you.

Babu KHAGENDRA NATH GANGULY: I beg to join in the chorus of demand that has been raised in the House for the repeal of those laws mentioned in the resolution moved by Babu Bejoy Krishna Bose and which are justly called "repressive" on account of the manner in which they are used in this country. I demand a repeal of Regulation III of 1818 as it is un-British, un-Indian and unjust and as such ought to have been effaced from the Statute Book long ago.

I demand a repeal of the Seditious Meetings Act as the ordinary criminal law is wide enough and because the Act has often been used to gag the people without any reason whatever. Just now we have heard Dr. Moreno state that if we withdraw all the seditious laws what safeguards have the Government? Does he forget that the law of sedition in the Penal Code is sufficiently strong and wide enough for all times? This Act whose repeal is demanded enables the executive by a stroke of the pen to prohibit the holding of public meetings—notwithstanding the fact that the police have every opportunity of taking notes and proceed against the speakers if they offend against the existing laws. Sir, measures like these only serve to excite the public and arouse in them a feeling of suspicion and distrust and a feeling of abhorrence of the system that enables such laws being enacted.

It has been said that emergency situations demand emergency measures and that these powers, these measures are necessary in order to check anarchy and revolutionary activities, whose recrudescence is alleged to be imminent. Let us grant for a moment that the revolutionary movement is not dead—that its recrudescence is possible. Will these extraordinary powers check revolution? Will these emergency laws establish peace and order? History proves otherwise. We need not go into the history of other countries—the history of this country from 1905 onwards is an ample illustration of the dictum that repression only increases the strength of revolutionaries. The enforcement of some of these measures which enables the executive to smuggle away respectable persons and keep them confined for indefinite periods without disclosing the nature of the evidence against them, without letting the public any opportunity to judge the guilt or otherwise of the détenus, only serves to weaken the very foundation which they are intended to strengthen.

As to the quartering of the additional police, which is euphemistically called the punitive police, the less said the better. This House can well imagine the hardships entailed on the people of the villages, which have the unique privilege of having such a police force in their midst and for whose maintenance the villagers themselves have to pay extra. We know of the misery of many Eastern Bengal villages due to the posting of the punitive police in the Swadeshi days and people felt and felt bitterly too that these were let loose upon them with the deliberate intent of crushing the progress of the Swadeshi movement.

I shall not detain the House any longer. I will only quote a few lines from a prominent Christian Missionary reputed for his moderation and sanity, on this subject. The Rev. Mr. B. A. Nag in a letter recently published says—

> I disapprove of the retention of the Regulation III of 1818 both from the Christian and the moderate point of view—for I honestly believe that the application of the Regulation creates such a bitter feeling of wounded sense of justice and fairness, that it is in no small measure responsible for bringing into existence any revolutionary movement that may be found in Bengal . . . . Regulation III is unchristian in conception and unjust and unfair in its action and how can any Christian community with any loyalty to Christ support its retention in the Statute Books for a single day?

The history of Bengal from the Swadeshi days onwards shows the impotency of repressive methods. They are sadly mistaken who suppose that the revolutionary movement was swept out of existence at the time of the last war on account of the internments due to the application of the Defence of India Act. No; it was the prospect of the coming "Reforms" that checked the movement. They thought that a real, a genuine reform was coming. And when they were subsequently disillusioned and the Reforms were found out—it was Mahatma Gandhi and his teachings and not the fetters of the repressive laws that kept the revolutionaries away. If you want peace, if you want the country to be free of violent political activities, it is time you should try other methods than repression.

With these words I support the resolution of Babu Bejoy Krishna Bose.

The Hon'ble Sir ABD-UR-RAHIM: These resolutions call upon the House to repeal a number of enactments which have for their purpose the maintenance of law and order. Mr. Chakravarti who opened the debate has apparently been studying astronomy very recently, and seems to have got his head in the clouds and have lost cognisance of what has been passing here. He has been seeing all sorts of visions, but has no touch with the facts that surround him. Arguments have been advanced that these are repressive laws, that they are not necessary for the maintenance of law and order and therefore they must not be used. Not one of the speakers is aware that these are among the preventive laws, with which the Indian Statute book is full, and which for years have been

found necessary to have for the prevention of crime and disorder in this country. The Criminal Procedure Code with which every lawyer is familiar, and which Mr. C. R. Das, the leader of the Swaraj Party, has until lately been helping to administer, with his great talent and skill, is full of such preventive measures. Mr. Chakravarti also knows, as well as I or anyone else, that the Criminal Procedure Code contains many measures for the prevention of crime. All these, Regulation III of 1818, the Seditious Meetings Act, the Criminal Law Amendment Act, the Police Act, sections 15 and 15A, are measures of that kind, and not a single argument of any cogency has been advanced why these laws should now be considered unnecessary.

Much has been said as regards Regulation III of 1818, that the Repressive Laws Committee that sat to examine a number of Acts which were considered objectionable said that this Regulation ought to be retained because conditions are likely to arise in some part of India where it will be necessary to apply the Regulation. The North-West Frontier Province is specifically mentioned. If that meant that the law was not to be applied in other parts of India, even if the same conditions arose there, if that is what was intended to be laid down, surely they would have moved for the amendment of the Regulation so as to make it inapplicable to Bengal. Not having done that, surely, if we find that in Bengal it has become necessary to apply this Regulation, we are perfectly within our rights in applying it.

Then as regards the Seditious Meetings Act, what is the object of it? We have got in the Penal Code section after section which deals with offences against the State. The object of the Seditious Meetings Act is to prevent meetings for the purpose of spreading sedition.

As for the Criminal Law Amendment Act, it aims at unlawful associations. Is there a single member of this House who can say that unlawful associations do not exist in Bengal? If it is proved that there is such an association whose object is to interefere with law and order, that association can only be effectively dealt with under this Act.

I know what has impressed some members of this House is the argument that a law of this kind is liable to be misused. That certain officers may have at some time or other used this law in a way which is open to question is not however a good ground for its repeal.

[At this stage the Hon'ble the President left the Chamber and the Deputy President took the Chair.]

As regards Regulation III of 1818 it has been said that public opinion in Bengal is opposed to it. I challenge that statement. I would like to refer to the Goonda Act which was passed the other day because public opinion demanded such a measure; it is even more drastic than Regulation III of 1818, but the people wanted it because it was necessary to have such a measure for the protection of life and property. This

Act was passed, not at the initiative of Government but under the pressure of public opinion. (A VOICE:) Is the Hon'ble Member in order? The Goonda Act has nothing to do with the resolution before the House.

Mr. DEPUTY PRESIDENT (Major Hassan Suhrawardy): I think he is in order; he is explaining.

The Hon'ble Sir ABD-UR-RAHIM: The terrorism exercised by the goondas whose profession is supposed to be to terrorise people, had become so intolerable in Calcutta that we had to have recourse to an extraordinary measure to deal with the evil. The only distinction that can be made is that the Goonda Act is especially designed——

Mr. KIRAN SANKAR ROY: I rise to a point of order. The Goonda Act is not in question.

Mr. DEPUTY PRESIDENT: The Hon'ble Member is quite in order in referring to the Goonda Act.

The Hon'ble Sir ABD-UR-RAHIM: The Act is on the same lines, and is indeed more drastic than Regulation III of 1818. The Goonda Act deals with men not of the *bhadralog* class but of the poorer class, that is the only difference. Are the Hon'ble Members asking us to say that there shall be one law for the *bhadralog* and another for the poorer class? That is exactly the point. (A voice: Are they all goondas?). I should like the members to point out the difference between these two.

Mr. BYOMKES CHAKRAVARTI: A goonda is a goonda, that is the difference.

The Hon'ble Sir ABD-UR-RAHIM: If men commit crimes like dacoity and murder, if there is a consipracy to commit such crimes and it is not possible for the criminals to be brought before the courts of law, because we cannot get witnesses to depose against them for the witnesses are terrorised, the position is exactly the same. It was because of fear of these goondas, people would not give evidence and we could not get sufficient evidence to place them before a court of law that the public opinion of Calcutta strongly and unanimously demanded that there should be a special measure like the Goonda Act. My argument is that if particular circumstances demand it, Government must be armed with power to deal with the situation. It is perfectly easy for those who are out to criticise the Government, to weaken the hands of Government, to paralyse the Government, and who themselves are unwilling to shoulder responsibility, to say "repeal all these Acts, take away these measures for the maintenance of law and order." But we who are responsible for Government of the country are not prpared to do without these laws.

[At this stage the Hon'ble the President returned to the Chair.]

I submit that the position sought to be created is one on which the House will not tolerate for a moment. I can understand the attitude taken up by those who are out to destroy the Government, who are here merely to criticise the Government and put difficulties in the way of the Government. They naturally raise the cry "take away all the powers which Government possess in order to preserve law and order." But there are others in this House who, looking to the interests of the country, surely cannot support a cry of this kind.

Babu JOGINDRA CHANDRA CHAKRAVORTI: The resolution which is now before the House has been spoken on by the previous speakers very ably, and I desire to add only a few words in support of it. It seems to me that the resolution is of considerable importance and significance at the present day and to put the matter very shortly I would only say that I ask for the repeal of the laws in question because I think that we, Indians, should live in the land of our birth as free citizens and that we consider it as humiliating to our national instincts that legislative fetters should be placed upon our right of free speech and our right of forming associations for perfectly legitimate objects. It has been said by one speaker that our position is a little inconsistent because at one time we say that those whom the Government have placed under restraint for crimes should be brought under trial and again we say that certain laws which empower the Government to bring persons under trial should be suspended in their operation. I submit that it seems to me that there is a fundamental error in the very conception of this idea. We, by no means, say that the Government should be deprived of all power to bring criminals under trial but what we say is that laws which are humiliating to us as a nation should be taken off the Statute Book. We heard in this Council some remarks to the effect that such extraordinary laws do exist not only in this country but also in other countries of Europe. Sir, you will permit me in this connection to refer to a speech of the late Sir Rash Behari Ghosh, a reference to which has already been made by my friend Rai Harendranath Chaudhuri in the course of his speech. You will bear with me, I hope, only for a few minutes when I make a quotation from a speech of the late Sir Rash Behari Ghosh which he delivered in the Supreme Legislative Council on the occasion when the Seditious Meetings Bill was introduced in that Council. I am referring to that portion of it where he mentioned the fact as to whether it is true that such legislation existed in other countries in the world. He said this—

> And this leads me to remark that the present Bill, which the Member in charge of it frankly admits is a repressive measure of considerable potency, does not seem to be modelled on any law of which I am aware. It may possibly be based on some ukase though the definition clause seems to be original, but I cannot speak with confidence because I never had occasion during the last forty years to study the jurisprudence of Russia, and I sincerely trust I shall not now be called upon to do so. There is no such law in Italy or Belgium, France or Switzerland, though the seditious agitator is not an unknown figure in Europe, which is honeycombed with secret societies of anarchists and socialists. Riots, too, which the

soldier is often called upon to quell, are not infrequent; and yet there is no such drastic law in any of these countries for the suppression of public meetings. In America, as Hon'ble Members are perhaps aware, the right of public meeting is safeguarded by the very constitution of the United States, which provides that Congress shall make no law "abridging the freedom of speech or of the press, or of the right of the people, peaceably to assemble and to petition the Government for a redress of grievances." And this has also been the wise policy of the English law which was interrupted only for a short time in the Georgian period when the public mind was much excited by the events in France, but Lord Sidmouth's Act, which did not prohibit but merely forbade any meeting of more than fifty persons to be held, unless six days' notice was given by seven householders to a magistrate, almost fell dead and is now remembered only on account of the Cato Street conspiracy which was its immediate outcome.

It has been said by a very high authority that, in view of the activity of the extremists, it would be the height of folly not to try to rally the moderates to the side of the Government, but surely, surely, repressive measures are not the best method of attracting their loyalty. The right of personal freedom and of meeting in public has always been regarded by us as an unalienable privilege of every subject of the British Crown. But we were painfully reminded only the other day that we may be deported without a trial, and now the right of public meeting is going to be taken away from us, with what face can an Indian subject of His Majesty say "*Civis Romanus sum*," which was at one time his proud boast. We must speak our convictions, and that in no hesitating or diffident notes, as our dearest interests are at stake, for this Act, if passed—we know how it would be administered—would, I fear, prove the grave of all our political aspirations . . . ;

I support this resolution because, as I have said, these are Acts which will really cut away the root of our political aspirations. In another part of the same speech the late Sir Rash Behari Ghosh said—

It is said that we are intoxicated with the new wine of freedom, that Locke and Milton, Fox and Burke, Bright and Macaulay, have unsettled our minds. But those who say so take no account of the Time Spirit against which even the Olympian gods must fight in vain. I trust I am no dreamer of dreams, but I see that what is passing before us is a social and political evolution. You may guide it, but you cannot arrest it, any more than you can make to-day like yesterday. Silent and as yet half conscious forces are at work, which a wise statesman would harness to law and order by timely concessions. But a reactionary policy would only make the last state of the country worse than the first; for angry passions, which under milder measures would have died away, would stiffen into deep and lasting hatred; and the infection is sure to spread with time.

I believe no one in this House would venture to call Sir Rash Behari Ghosh either a dreamer or as one of the party which, according to one speaker, is making an organised attempt to obstruct Government. I do not think that the mind of India could have been expressed in a better style and in more noble words than has been done by that eminent jurist and that noble son of India. It is to that point that I wish to draw the attention of the members of this House for the purpose of considering whether these Acts should now be allowed to remain in the Statute Book. It is not correct to say that the Government have not got in their armoury sufficient weapons to put down sedition or any violation of law and

order. My submission to this House is that we, the Indians, demand the repeal of these repressive laws simply because we want to grow. Should we tolerate a measure—a throttling and a gagging measure—which aims at marring our progress? That is the simple and real issue before us and I will ask the members of the House to look at this question from this point of view and to consider whether this humiliating measure should now be allowed to remain in the Statute Book. It has been said that the Government will not listen to the vote of this Council. I refuse to believe that. I refuse to believe that the Government in this country are still so wooden or impervious to the public demand that they will not yield to the just claims of the public as voiced by the vote of the members of this House. I may say that the rising tide will not be stopped by the command of the mightiest of sovereigns and it is high time that the Government should yield and make concessions in order to meet the public demand. I would ask the House to consider whether it is possible to make any change in the heart of the people without a corresponding change in the heart of those who are responsible for the safety and prosperity of this country. I deny that there can be any such change and at least from this standpoint I would urge that the proposition which is now before the House, namely, that the Seditious Meetings Act, the Criminal Law Amendment Act, and similar other Acts be repealed, should be passed.

It has been said by the Hon'ble Member who has just spoken that the object of the Seditious Meetings Act is to prevent unlawful associations. May I ask those who are responsible for the administration of this law to say conscientiously that this Act has always been administered with the sole object of preventing seditious meetings or unlawful associations? Is it not a fact that this has been more often used for the purpose of preventing a free expression of public opinion on matters of public policy and of suppressing associations formed for carrying on propaganda for the material and moral regeneration of the country than for the purpose of preventing seditious meetings or unlawful associations? From that side the Hon'ble Member might reply with an emphatic "No," but I will say that the verdict of public opinion as expressed by the press will also answer with a more emphatic "Yes." There, therefore, lies the issue as to which side of the case will prevail. I appeal to the experience of the members of this House to decide on which side they will record their votes with regard to this momentous resolution.

Mr. J. A. JONES: We have been given many reasons in the course of the last two debates why Regulation III of 1818 and other so-called repressive laws should be removed from the Statute Book. Mr. Chakravorti has rather hinted that we, the English, have a kind of demon called "law and order" whom we find it necessary to propitiate from time to time with sacrifices in the form of repressive laws. I can only tell him that the law and order which he respects is precisely the same as mine. I have no idol and I offer it no sacrifice. Then we have been asked to reject it because Lord Morley condemned it. Apparently Lord Morley

has also approved of it and therefore the constitutional authority which has been cited on the other side of the House may be disregarded. In the third place we have been told that it ought to be abolished because it is rusty, because it is old. I have yet to learn that age is any disadvantage in a law. If the Regulation is 100 years old, Magna Charta is still older and the laws of Manu are older still. As for the rust, it is the most precious proof that the Regulation has not been abused, because whenever it was not needed it was left hung up in the armoury, I cannot help thinking that at the root of this opposition—this obviously sincere opposition to the Regulation—is the feeling that it involves some kind of insult to India, that it is peculiar to India, that Government insist upon keeping upon the Statute Book a law which would not be tolerated in any other country. Now the House has been told, and I can only tell it again, to take the case of Ireland which is a country one knows most intimately. I turned up Professor Dicey's book on Constitutional Law in order to be quite prepared for Mr. Das, and there the Professor summarises the Prevention of Crimes Act of 1881:—

> Under the Act of 1881 the Irish Executive obtained the absolute power of arbitrary and preventive arrest and could without breach of the law detain and imprison any person arrested on suspicion for the whole period for which the Act continued in force.

That surely is rather worse than Regulation III of 1818. Then take the Act of the following year. Under the Prevention of Crime Act, 1882, Government, says Professor Dicey, may first abolish the right of trial by jury; secondly, may arrest a stranger found out of doors at night, thirdly, may seize any newspaper which in the judgment of the Lord Lieutenant contains matters tending to treason and violence, and fourthly, may prohibit any public meeting which the Lord Lieutenant believes to be dangerous to the public peace or safety. Now that does not prove—the fact of the existence of these Acts—does not mean any special indictment against the Irish people. The laws were passed because it was necessary to deal with a special form of crime. We are not dealing with the whole of the people, but only with a small band of persons who disgrace the nation and who, as experience has shown us, can only be dealt with by special legislation. I challenge the members opposite to produce one single instance in history where secret murderous conspiracies were put down otherwise than by special legislation designed for it. I know that Mr. Das thinks, out of the generosity of his heart, that by granting further concessions of self-government, you can conciliate the irreconcilable, but history shows in more than one country that side by side with the legitimate movement such as that which Mr. Das is heading, there is an underground movement which may be marching in the same direction but which is inspired by a very different spirit and is committed to entirely different methods. There are two lines of advance. These two lines are not only always not in connivance with, but are very often opposed to, each other, and I should like to give the House one striking example

taken from Irish history. When the Kilmainham Treaty was agreed upon between Mr. Parnell and Mr. Gladstone, arrangements were made for the release of Mr. Parnell, Mr. Dillon and Mr. Michael Davitt, and in order that a settlement might be arrived at they were duly released on the 2nd of May. Now, according to Mr. Das' theory, that ought at once to have compelled all troubles to disappear and cause the Fenians to say—"We have got the concessions we wanted. Our hearts are touched and we will give up crime." But what was the actual response of the Fenians? The murder—the brutal murder—of Lord Frederick Cavendish and Mr. Burke on the 6th of May, only 4 days after the release of Messrs. Parnell, Dillon and Michael Davitt. I say, Sir, that there is no necessary connection between the two movements and if you imagine that you may overcome these conspirators by any constitutional methods, you are very greatly mistaken. What did Mr. Parnell do? He was so shocked—apparently by his own want of control over these unruly elements—that he wrote a letter to Mr. Gladstone, in which he offered to retire from public life, and, what is more, speaking in the House of Commons, he recognised that the Prime Minister had the right in the circumstances to bring in a Prevention of Crime Bill, and though many of the Irish members absented themselves, 27 Nationalists voted for the stringent provisions in the Crimes Act, recognising that the revolutionary party was not theirs and was fighting against and was detrimental to the real interests of the country. I suggest that the party opposite might very well reflect over that episode in Irish history. If you abolish special legislation, there remain only conciliation and the ordinary law both of which have been tried and found wanting. I have been reading the Report of the Rowlatt Committee, which it is the fashion nowadays to discredit, but there were, if I remember, 4 very respected judges, including a very accomplished judge from England who went very carefully into the whole question of special legislation and came deliberately to the conclusion that in the special circumstances special legislation was required. I do not know how in the face of this the party opposite can say "we are resolved to sweep away the whole thing from the book", and I would ask them very seriously to consider what the effect of such an irresponsible decision would be upon public opinion in England which still exercises some amount of authority upon Indian affairs.

Babu MONMOHAN NEOGI: I am rather surprised that the Hon'ble Sir Abd-ur-Rahim does not know that by accepting the unanimous report of the Repressive Laws Committee the Government of India have practically given a case for the withdrawal of that measure. From the report it will be seen clearly that the Committee have unanimously advocated the immediate repeal of the Regulation. It is only in the North-Western Frontier that its retention has been recommended because of the troubles that the frontier tribes give, but so far as Bengal is concerned the report unanimously advocates its immediate repeal. Now,

Sir, is there any evidence that there is any conspiracy which justifies the retention of this Regulation in this province? We find, Sir, that there is absolutely no conspiracy to subvert the Government by violent means. It is a myth that prevails only in the imagination of the bureaucracy. Not a single instance can be brought forward which proves that there is a widespread conspiracy to subvert the Government in this country. The recent event—I mean the murder at Chowringhee—has often been quoted here in justification of the retention of this Regulation——

Mr. PRESIDENT: References to that case have been avoided by previous speakers and you should not discuss it.

Babu MONMOHAN NEOGI: Now, Sir, those who have read the proceedings of this case——

Mr. PRESIDENT: I do not think you can go into the proceedings of this case. The House knows very well that it is *sub judice* and reference cannot be made to it.

Babu MONMOHAN NEOGI: It is well known that there may be grievances on the part of a particular section of young men against particular officers, whose names need not be mentioned. It is also well known that in 1917 very serious allegations were made against a particular officer and these allegations of oppression were of so serious a nature that the President of the Indian National Congress of 1917 went personally to Simla and placed the facts before His Excellency the Viceroy, and there was an inquiry; of course the inquiry was of a white-washing character.

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): Can the member use the words "white-washing character?

Mr. PRESIDENT: Why, "of course," Monmohan Babu? I have not been able to follow the pertinency of this part of your argument. I understand that you are referring to some officers who are not here to defend their conduct. Your speech will gain far more force if you leave out references of this kind.

Babu MONMOHAN NEOGI: We deny the existence of any conspiracy in this province and from the conduct of any particular person this House should not come to the conclusion that there is in existence any conspiracy at all.

Now, Sir, Mr. Jones has said—can a single instance be cited where murders and secret societies can be suppressed except by special legislation? We also ask whether there is any instance where an Act of this kind has been brought into operation without there being the slightest

evidence to show that this Act was actually needed by the people? With these remarks I submit that there is absolutely no justification for the retention of these laws at the present moment and they should be taken off the Statute Book at once.

Khan Bahadur Maulvi MD. CHOINUDDIN: Before I proceed to make my own general remarks on the question which is before us, I would like to draw the attention of the House to that portion of the written speech read by my friend Maulvi Abdul Gafur in which he purported to say—"Give us Swaraj and these acts of violence committed by the political revolutionaries will cease." He practically wants us to believe that Swaraj is the panacea for all the ills to which the body politic is heir. He thinks that if we get Swaraj to-morrow, with say Mr. C. R. Das as Governor and Mr. B. Chakravarti as Joint Governor and my friend Maulvi Abdul Gafur as their Chief Secretary—if we get a Swaraj of that kind with these personalities at the helm of affairs, then discontent will at once vanish from India and we shall have in its place utopia. I ask you, gentlemen, to consider whether this ideal state of things will ever arise. We may not have Swaraj in India, but there are many other countries in the world where there is Swaraj or indigenous Government. Go to France, go to England, go to Germany, America and Japan—there you will find Swaraj, but are you not aware that in these countries there are anarchists who take the lives of their fellow countrymen. Do you mean to say that if we get Mr. C. R. Das and Mr. Chakravarti as Governors, our college men and graduates who roam about with disappointed hearts will be pleased and satisfied? Why do we go so far? Look to our district boards and municipalities.

Mr. PRESIDENT: Khan Bahadur, you are gradually straying further and further from the subject-matter of discussion.

Khan Bahadur Maulvi MD. CHOINUDDIN: I am only illustrating my point. What I mean to say is this that no Government in the world, however ideal or perfect it may be, can satisfy all parties. Now, the case of the revolutionaries is quite special. I think nobody in the world—not even God—can satisfy them. Even God is sometimes cursed by some people.

Mr. PRESIDENT: We cannot have that. We are concerned with the affairs of this world.

Khan Bahadur Maulvi MD. CHOINUDDIN: The thing is this: these revolutionaries are a set of irreconcilables; nothing can satisfy or please them. There are revolutionaries whose idea is that there should be no private property: there should be no private wives (Loud laughter). I meant to say legally married wives. There are revolutionaries and anarchists whose principle it is to bring down the financial status of all

men into one level. I ask the House whether our new Government of Mr. C. R. Das will be able to satisfy them.

Mr. PRESIDENT: You need not go into that again.

Khan Bahadur Maulvi MD. CHOINUDDIN: I shall now make some remarks of my own about the subject-matter under discussion. I must say that I do not hold a brief for Government, but at the same time I am not one of those whose cult it is to oppose a measure simply because it is a Government measure. I think in carrying on our discussions we should not assume this attitude. Any measure, from whatever party it comes—whether from the Swaraj Party or from the Government side—should be discussed on its own merits impartially and with an open mind. To-day we have to discuss the question whether the few repressive laws or emergency laws should or should not go, whether they should be allowed to remain on our Statute Book or wiped off from it. One section of the House is in favour of their immediate repeal. On the other side we find that the Government and some other members are in favour of retaining them. It is urged by those who want to repeal these laws that it is a national demand. I have thought over this aspect of the question and I have not been able to persuade myself that it is a national demand—a demand in which our villagers and other people of Bengal or India acquiesce. I have not seen a widespread agitation against these laws, neither in the papers nor on the platform. At least I have not got a mandate from my constituency to make a prayer to Government immediately in the first session of the Council to repeal these laws. So far as I am aware, my other friends of Rajshahi district have not said this (Question, Question).

Kumar SHIB SHEKHARESWAR RAY: This is not the case: I come from the Rajshahi Division.

Khan Bahadur Maulvi MD. CHOINUDDIN: I am speaking of the Rajshahi district. My friend Babu Sudarsan Chakravorty is there. Let him say.

Of course, when we say that such and such things are national demands, we must satisfy ourselves whether the whole nation wants them. If people having common sense, though they may not be barristers or solicitors, after considering impartially the arguments put forward by Government as well as by the Swaraj Party, let us know their views, we shall then be in a position to say whether it is a national demand or not. But no such procedure has been adopted, no general plebiscite has been taken. The next argument which is generally advanced by the supporters of this resolution is that these laws are lawless laws and they do not allow open trial of revolutionaries. This is objection number one. The second objection is this—that these laws do not

allow the cross-examination of the witnesses who are brought forward by the prosecution to prove the guilt of the accused. I think these are the strongest objections that are advanced by the supporters of the repeal of these laws. Now, I will, with the permission of the House, examine the question as to the value of cross-examination. I think cross-examination after all is not such an ideal thing as it is sometimes described to be. I would ask whether it is not a fact that everyday in our life we pass opinions about this and that. We pass judgments about this and that and our affairs of life go on smoothly without any inconvenience. May I ask whether we pass these judgments and opinions with or without having recourse to cross-examination. I would pause for an answer from my friends of the Swaraj Patry—whether it is or it is not a fact that in our daily affairs we can pass very correct judgment in hundreds and thousands of cases without having recourse to cross-examination at all. If correct decision in cases were impossible without cross-examination, then how is it that my non-co-operator friends advise our countrymen to have their cases adjudicated by village arbitrators or panchayets without going to the law courts and necessarily without having recourse to cross-examination. I think my friends of the Swaraj Party will never say that these village judges or arbitrators try the cases put before them with the help of that weapon called cross-examination. I would go further and say—is it not a fact that in many cases subtle cross-examination confuses and hypnotises the simple witnesses and able and expert lawyers like Mr. Das and Mr. Chakravarti can get any answer they like from the lips of these poor witnesses? Is it not a fact that in many cases they have saved hundreds of murderers from the gallows by cross-examining the witnesses.

Mr. PRESIDENT: Khan Bahadur, this is a very gratifying tribute to the professional abilities of the lawyers concerned, but it is not relevant to the subject-matter of the discussion.

Khan Bahadur Maulvi MD. CHOINUDDIN: I am explaining that we can come to a fair decision without cross-examination. Of course, if the witnesses are confounded in that way the accused may go scot-free. Murderers anddacoits may get away scot-free, but will that satisfy the poor complainant, will that not lead to a miscarriage of justice? The point before us is this—whether under the emergent laws, it is or it is not possible to arrive at correct findings about the doings, about the whereabouts, about the motives of the revolutionary conspirators without placing them before any courts of law and without subjecting witnesses to cross-examination. I say that this is quite possible, and that there are hundreds of ways in which we can find the truth without having recourse to cross-examination.

[Here the member reached the time-limit.]

Mr. PRESIDENT: I have observed a great deal of repetition in the speeches lately delivered during this debate. I think I must bring this discussion to a close now. It has been continued for over two hours and a quarter, and I will therefore call upon Sir Hugh Stephenson to wind up the debate.

Mr. C. R. DAS: May I speak a few words?

Mr. PRESIDENT: Certainly, Mr. Das.

Mr. NIRMAL CHANDRA CHUNDER: I want to speak.

Mr. PRESIDENT: I have called upon Mr. Das, who is the leader of your party, to speak. I cannot permit any further speeches. The debate must be brought to a close.

Mr. C. R. DAS: I do not desire to keep this House engaged for more than a few minutes. I have to reply to certain observations made by Sir Abd-ur-Rahim, otherwise I would not have thought it necessary to get up to speak at all.

Now, at the very outset, I wish to make one thing perfectly clear. Sir Abd-ur-Rahim in referring to some of us said that those gentlemen who would have these statutes repealed would not take up the responsibility of Government. That statement is absolutely incorrect. We are always perpared to take up the responsibility of Government and our objection is that the Government is not made responsible. We want to make it responsible to the people of this country, and the moment the Government is made responsible to the people of this country, Sir Abd-ur-Rahim will find every one of us ready to take up the responsibility of Government. But what was offered to us was not the responsibility of the entire Government but only a part of it and that part cannot be dissociated from the whole. It is a kind of responsibility which is not responsible to anybody at all, and we certainly refused to shoulder that responsibility.

Well, having made our position quite clear, I now proceed to deal with just one or two arguments put forward by Sir Abd-ur-Rahim. Sir Abd-ur-Rahim was angry because Mr. Chakravarti had not put forward facts and Sir Abd-ur-Rahim immediately began to deal with facts. The facts are these. He said that these are preventive laws and are necessary for the maintenance of law and order. Therefore, these laws must remain on the Statute Book—a perfect syllogism. But the whole question is this: that these are preventive laws unattended by any safeguards. That is the whole point. We are told in season and out of season that every civilised Government has sometimes to have recourse to emergency legislation. But may I remind this House of one fact—and that is also proved by history—namely, that there is no civilised Government which is not responsible to the people. The whole difference lies there. That

is the point in a nutshell. If the Government of this country had been responsible to the people and if it had been thought necessary to enact repressive legislations for a time, the people would have agreed to them because they know that the moment these enactments are misapplied and the people are misgoverned under these enactments, they will have the right to turn that Government out. India to-day has not got that right, and therefore, we have to be very careful in allowing these repressive legislations to be kept in the Statute Book. Members of Government are after all human. They cannot help taking side on a particular question. They are human and there is this danger of employing these repressive statutes in putting down political freedom. It is from that point of view that we have the greatest objection to the continuance of these repressive laws on the Statute Book.

There is another argument put forward by Sir Abd-ur-Rahim. He says that there are sections in the Criminal Procedure Code which contain preventive laws and that, therefore, this House ought not to get rid of preventive laws. I cannot understand this argument. There are preventive laws and preventive laws. There are many preventive laws in the Criminal Procedure Code which this House consider necessary. It does not follow, therefore, that every legislation which is put forward as a preventive legislation must be kept up. I cannot understand the argument at all.

Then Sir Abd-ur-Rahim went on to say with reference to Regulation III of 1818 that there was the Goonda Act and that the people were very anxious to have the Goonda Act and the Goonda Act is something like Regulation III of 1818, and therefore, the people are anxious to have Regulation III of 1818 retained on the Statute Book. I must say I was struck with the perfect syllogism put forward by Sir Abd-ur-Rahim in the course of his argument. I do not know whether the Goonda Act is popular or not—Goondas are certainly not desirable—but the kind of Goonda Act which has been passed here is to my mind very objectionable. I have not studied the Act and have not consulted the public with reference to that question and I will not undertake to say whether it is a popular measure or not, but I can assure Sir Abd-ur-Rahim that Regulation III of 1818 is most unpopular. It is a fact. Ask any countryman of ours, anybody in India who is responsible to the people whom the people look upon as their leaders, ask any one of them and you will find that Bengal Regulation III of 1818 is not wanted by them. Let me read to you a passage from what was said by the poet Rabindranath Tagore on one occasion:—

> The policy of secret condemnation and punishment hitherto pursued has naturally led a very large number of my countrymen to conclude that a great many of those punished are innocent. Imprisonment in jail in hundreds without trial savours to the public at large more of vengeance than of precaution.

Well, that is why we object to the continuance of this Regulation on the Statute Book. These are all the observations that I desire to make.

The Hon'ble Sir HUGH STEPHENSON: Resolutions 18—22 ask for the repeal or withdrawal in regard to Bengal of the Prevention of Seditious Meetings Act, the Indian Criminal Law Amendment Act, Sections 15 and 15A of the Police Act and Bengal Regulation III of 1818, while resolutions 23 and 24 omit all mention of the Police Act. The Prevention of Seditious Meetings Act is not in force in Bengal generally and has never been. There are two steps necessary before any action can be taken under it. In the first place it has got to be extended by the Governor General in Council to the province or district or part of a district. In the second place the Local Government have got to proclaim a district or part of a district as a proclaimed area and unless these steps have been taken the Seditious Meetings Act is a dead letter. The notification of the Local Government proclaiming an area has effect only for six months. It lapses at the end of that time. The Seditious Meetings Act has never previously been put in force in West Bengal; I am not quite sure about East Bengal, when it was a separate province. The Seditious Meetings Act was extended in 1921 to the district of Howrah and the Local Government issued a notification proclaiming the district of Howrah to be a proclaimed area. This notification lapsed in 1922. There never was a single prosecution under that Act. For all practical purposes, therefore, the Seditious Meetings Act has never been enforced in Bengal. Therefore, it cannot be a tyrannous weapon in the hands of Government. The practical effect, of this resolution as regards the Prevention of Seditious Meetings Act is that the formal notification of the Government of India extending it to Howrah which is at present inoperative would be withdrawn, but it is quite true that it can be extended again by the Government of India to any part of Bengal and that doubtless is what the mover of the resolution has in mind and for this reason Government cannot accept even this part of the resolution.

Part I of the Criminal Law Amendment Act has already been repealed, the only part in force is Part II. As regards section 15, this section has never been made use of and the essential portion of Part II is section 16 which runs:—

> If the Governor-General in Council is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order or that it constitutes a danger to the public peace the Governor-General in Council may by a notification in the official gazette declare such an association to be unlawful.

This power by the Devolution Act has now been vested in the Local Government. There is at the present moment no notification under this Act in force in Bengal, and therefore the Act is at present a dead letter in the whole of Bengal. No prosecution has taken place under it, and as I recently informed the Council there is no person still in jail who has been prosecuted under it.

I will now deal with these two Acts first. The Seditious Meetings Act was passed in 1911. In 1921, the question of its repeal was considered by what is known as the Repressive Laws Committee—a Committee

which the members of this House recognise as a weighty Committee—a Committee which a member has called "a solemn Committee." That Committee recommended the repeal of a considerable number of laws that were already on the Statue Book. It is true that that Committee was considering not the application of these laws to Bengal but of their necessity to the whole of India; but I would ask the Council to consider their report and the reasons which led them to recommend the retention of this Act and then consider whether those reasons have no application to Bengal.

In discussing the question of the Seditious Meetings Act, the report says—I would rather take what they mean from the report than the interpretation that Rai Harendranath Chaudhuri thinks they must have meant—

> The real point, however, at issue is whether the ordinary law that would remain would provide sufficient means for coping with any existing or reasonably apprehended disorder. Evidence has been adduced to show that in certain places the ordinary law is inadequate and this evidence we were not prepared to reject.

They discussed the possibility of coping with the evil by means of the ordinary law and—with due deference to Babu Jogindra Chandra Chakravarti—I may say they deliberately found that the ordinary law would be ineffective. They agreed that the more direct and violent forms of sedition are now disseminated more from the platforms and through agency of itinerary propagandists than by the press, and refer to instances which, they say, are sufficient illustration of the danger of allowing violent and inflammable speeches. I am afraid, I must add to the number of quotations that have been read this afternoon, but as we have had Sir Rash Behari Ghosh quoted *ad lib* on the subject of the Seditious Meetings Act, I should like to quote what Mr. Gokhale said. The Repressive Laws Committee quote Mr. Gokhale's testimony that the Act is a very mild one; against the argument that the Act should be repealed and action taken to pass a fresh Act when the necessity arises, they say—

> Further an obvious objection to the more complete acceptance of this principle is that in allowing the proof of the necessity for legislation to accumulate even stronger measures than those now under consideration might eventually be required for the suppression of the disorder. By the time public opinion has become sufficiently alarmed to demand or approve legislative action the damage might be irretrievable.

I would ask the Council to give special weight to this argument which applies to all the three Acts now under discussion, and it is a consideration which every Government, either Swaraj or any other Government, will have to consider. The Committee, therefore, definitely rejected the proposal to repeal the Seditious Meetings Act. Some members in their speeches have attached great importance to the opinion of the Repressive Laws Committee urging the repeal of Regulation III. I

trust the members will attach the same weight to the opinion of the Committee in their rejection of the repeal of the Seditious Meetings Act It is true that they hoped that the time might shortly arrive when the altered political situation in India might deprive these arguments of force and might justify the removal of the Act from the Statute Book But even restricting our view to Bengal, can it be said that the political situation is such that there is no possibility of violent and inflammable speeches leading in the future to disorder. The Act is a preventive one and, as the Committee pointed out, is hedged about with safeguards as Mr. Das desires, so that it cannot be used in a hurry or without the fullest consideration.

Then turning to the Criminal Law Amendment Act, it was passed in 1908 specially to deal with the circumstances in Bengal. The Repressive Laws Committee Report is full of the fact, that that Act was passed specially because of the revolutionary conspiracy in Bengal. The general arguments used by the Committee in the case of the Seditious Meetings Act are applied by them to this Act also. Further, after pointing out that it was originally designed to deal with the revolutionary conspiracy in Bengal, they say—

It was in no small measure the impossibility of obtaining evidence owing to the intimidation of witnesses that led to this enactment. As we have already seen there is definite evidence of certain organisations encouraging acts of violence or resorting to intimidation. Recently in Delhi it has been necessary to declare certain associations of volunteers unlawful under section 16 of this Act. We have carefully examined the circumstances which led to this action. The volunteer organisation began with social service but the adherents soon developed a definite tendency to interfere with the duties of the police and the liberty of the public They then began to intimidate and terrorise the general body of the population there was a tendency towards hooliganism; it has been proved that some of these associations resorted to violence, that their behaviour at railway stations and public meetings was objectionable and rowdy, that they obstructed the funeral of an honoured citizen and held a most undesirable demonstration at the house of another. They actively interfered with the election by threats and picketting There was every reason to believe that their activities if left unchecked would lead to serious disorder. The conclusion we have arrived at is that some of these volunteer associations in Delhi were seditious organisations formed for the purpose of intimidating the loyal citizens and interfering illegally with the administration of the province. The result of the action taken by Government has been, we were told, to destroy the worst feature of volunteer activity in so far as it was synonymous with rowdyism in the city of Delhi. We have received information of secret associations in another part of India. It has also been stated in the evidence that Bolshevic emissaries have entered India and we cannot overlook the possibility of illegal associations promoted by them terrorising the population and engaging in a campaign of crime and terrorism Actually Part II of this Act has been sparingly used. Its object is not only to break down existing unlawful associations but to deter the young and comparatively guiltless persons from joining these bodies and to discourage the supply of pecuniary assistance.

I am afraid it is a long quotation but it appears to me that many members who have quoted the Repressive Laws Committee's Report this

afternoon have not read the whole of it and the portion I have read appears to be the part they have left out. I feel I can add nothing to this forceful presentation of the case except to repeat what I said in a recent debate that there has been a recrudescence of a revolutionary activity to meet which this Act was passed and that the fact that there are at present detained in safe custody two persons who are admittedly agents of the Bolshevik Commintern of Moscow proves that the apprehensions of the Committee with regard to the Bolshevik menace were not without foundation. (Hear; Hear.)

Sections 15 and 15 A of the Police Act, which some of these resolutions wish to repeal, provide first for the charging to the inhabitants of an area of the cost of additional police necessitated by its disturbed or dangerous state, and secondly, the payment of compensation for death or grievous hurt or loss or damage to property which has been caused by or has ensued from the conduct of the inhabitants of the area. I presume these two sections have been dragged in because of the odium attached in some minds to the expression "punitive police" an expression against which I have always protested and which does not appear anywhere in the Act. If Government consider that a particular area is in a dangerous and disturbed state, it is their undoubted duty to post to that area such additional police as may be necessary to maintain peace and restore order. The power or duty of posting this police is not imposed by these sections; it is inherent in Government. All that the sections authorise the Government to do is to recover from the inhabitants of the area the cost of the additional police required instead of charging it to the general taxpayers. Surely it is a principle that should be acceptable to the Legislative Council that if additional police are in special circumstances required for the protection of a particular set of persons or if the conduct of a set of persons throws additional cost on the administration, that cost should be recovered from the persons concerned. Unless it is urged that all disorder is a form of political expression and therefore to be encouraged, I confess I find it hard to see why objection should be taken to section 15.

As regards section 15A, it is a provision that is in force in England, and it is surely just that those who through no fault of their own lose life or property in an organised disorder should be compensated and that the compensation should be paid by the persons concerned in the disorder. The principle is the same as that whereby a Magistrate awards compensation to an injured person out of the fine inflicted on the guilty. The section is very rarely used. I cannot remember at the moment a single instance in which I have seen it used. [A VOICE: It was used in Chittagong in 1921.]

The last question is that of Regulation III of 1818. I have already, in my speech the other day, said that I do not propose to go into the question of whether the Government of India are pledged not to use the Regulation. That question must be raised elsewhere and when it is raised,

I have no doubt it will be adequately dealt with. We have recently discussed this question of Regulation III at some length but the form of the present resolution is different. The last resolution demanded the release of certain persons who are detained under this Regulation. This resolution asks for the repeal of the Regulation. In the first place, I would point out that warrants under this Regulation can only be issued by the Government of India, and therefore in form the passing of this resolution will not prevent the Government of India from issuing warrants for the arrest of persons living in Bengal even if technically the Government of India have to keep them in detention outside Bengal. The general principle of Regulation III has been discussed at great length. I fear it will be no use adding more to the discussion. I can only recapitulate very briefly the points I put forward last time Legislation of this kind is not confined to India; the power of taking exceptional measures must be possessed by all Governments and is possessed by all continental Governments. In England the power is taken by the suspension of the Habeas Corpus Act, but in all cases the main fact is the same that in order to deal with exceptional emergencies or with widespread revolutionary conspiracies, every Government must have sufficient powers outside the power of bringing the guilty to trial. I have given the Council recently the reasons which have convinced Government that there is in existence a secret revolutionary conspiracy to deal with which exceptional measures are necessary. I have had long quotations from Lord Morley's speeches thrown at my head and I should like to give some return. Lord Morley, when dealing in Parliament with the question of the use of Regulation III, said:—

> It would have been absurd for us—knowing that we had got a weapon there in our hands by law—not an exceptional law but a standing law—and in the face of a risk of conflagration, not to use that weapon and I for one have no apology whatever to offer for using it.

I have no hesitation is saying that, faced with the circumstances that we were, Government would have been forced to ask for special legislation of a possibly wider type if this Regulation had not been in force, and the consequent delay in obtaining legislation would have resulted in the loss of innocent lives and very probably in the disappearance into hiding of the leaders responsible. As Lord Morley said in 1908—

> You must protect peaceful and harmless people, both Indian and European from the blood-stained havoc of anarchical conspiracy. We deplore the necessity but we are bound to face the facts. I myself recognise this necessity with infinite regret, and with something perhaps deeper than regret, but it is not the Government either here or in India who are the authors of this necessity.

The standpoint of Government is this. There is a serious revolutionary conspiracy rampant in Bengal; our past experience and the experience of the whole of the civilised world has shown that such a conspiracy can only be dealt with by exceptional measures such as Regulation III and in

applying these measures we make it practically impossible for an innocent man to be injured.

Maulvi MD. NURUL HUQ CHAUDHURI: Sir, the time for prayer has come.

Mr. PRESIDENT: I think it will be convenient to the Council if we try and finish the discussion now. Members may retire if they wish. The Hon'ble Sir Hugh Stephenson may continue.

The Hon'ble Sir HUGH STEPHENSON: I ask the Council what is the alternative? With due deference to Mr. Neogi, I do not think it is seriously contended on his side of the House that there is not a revolutionary conspiracy in Bengal. If so, what alternative does this party put forward before us? We are told that repressive legislation has failed—we hold that it has not. We are told that it was not repressive legislation but a sympathetic foresight of the Reforms which led to the crushing of the last conspiracy. I would point out to the House that the last revolutionary conspiracy—I imagine that Mr. Neogi does not deny that—was practically crushed in 1917, before the announcement was made in Parliament of the change in the angle of vision, before any of the politicians could foresee with any accuracy the nature of the Reforms. But putting that aside, supposing that this is not a successful form of dealing with the conspiracy, what is the alternative? I put it to the House that if repressive measures are fatal to the Government, a campaign of political assassinations is still more fatal to the people. What is the alternative they give us? Mr. Chakravarti put forward—and I think Mr. Das too—that the alternative is a free and responsible Government. (Hear; Hear.) Very well, I ask the members of this House whether the present Government from Lord Lytton downwards has ever been found unsympathetic towards the future self-government of India. But it is not in our hands. What can we do? Will Mr. Das or Mr. Chakravarti give us a guarantee that if these men are released, if these Acts are washed off the slate, there will be no more murders, there will be no more outrages, and that peace, contentment and order will at once be restored in the country in anticipation of the possible constitutional changes? (A VOICE: No one can guarantee that.) That is exactly the point. But whether the present situation is due, as Mr. Chakravarti has said, to my indigestion, or as Mr. S. C. Bose has said, to my inefficiency, the situation is there, and we have got to deal with it. There is no good in putting forward a remedy that may take, goodness knows, how long to come into force and ask us in the meanwhile to expose our officers and the public to the danger of anarchical crimes. I therefore claim that this Council should reject these motions. We can repeal these laws when they are no longer necessary and when we have all got the change of heart, of which Mr. Das has spoken; but that change of heart is not one-sided.

Mr. PRESIDENT: I call upon Babu Bejoy Krishna Bose to reply.

Babu BEJOY KRISHNA BOSE: May I submit, Sir, that many members are now absent?

Mr. PRESIDENT: You may now reply. I shall not take a division in their absence.

Babu BEJOY KRISHNA BOSE: Apart from the general arguments advanced by the other side of the House that on emergent occasions emergency laws will be necessary, some other observations have been made by members of the Government bench and other members, to which I should like to say a few words in reply.

The Hon'ble Sir Hugh Stephenson, before he sat down, wanted a guarantee from Mr. Das or Mr. Chakravarti that if these laws were abrogated and these people were released there would be no murders and no dacoities and all that. May I ask the Government, and especially Sir Hugh Stephenson, to give us a guarantee that, if he continues these repressive laws and if he goes on in the way that he is going, imprisoning people without trial— he will be able to restore peace, law and order in the country? (Hear; Hear). He has said that the change of heart is not one-sided. He wants us to change our heart. Would he give us a guarantee that there would be peace, absolute peace, in this province by the application of these laws and by keeping people in jails without trial? Sir, I think the strongest ground against the justification for urging the repeal of these specific laws given by Mr.—I beg his pardon—Sir Hugh Stephenson—and especially with regard to the repeal of the Seditious Meetings Act—is that there has never been a prosecution under this Act: and that this Act has never been in force in Bengal, but that it can be extended in future.

Referring to the Criminal Law Amendment Act, the Hon'ble Member said that no notification had been issued under this Act and therefore it was practically a dead letter—I have tried to quote his words verbatim. With reference to sections 15 and 15A of the Police Act, the Hon'ble Member said that these sections are very rarely used. So analysed the whole thing comes to this:, of these three laws—apart from Regulation III of 1818—one was never extended to Bengal, the second is practically a dead letter, and the third, the sections of the Police Act, are very rarely used.

The Hon'ble Sir HUGH STEPHENSON: May I rise to offer a point of personal explanation? I referred to section 15A and not section 15.

Babu BEJOY KRISHNA BOSE: Very well, Sir, I stand corrected. Referring to section 15A, he said that it was very rarely used. Therefore, it comes to this that we, with a sense of our responsibility, come and

tell the House and the Government that if you repeal these laws, if you set the people at liberty there will be peace, contentment and perhaps there will be lesser crimes and a calm atmosphere will be created in the province. On the other hand, we heard the Hon'ble Member say that these laws are practically dead letters. What is the harm in abrogating these laws now? If you want these powers, you may try for them hereafter.

The Hon'ble Sir Abd-ur-Rahim said that the Goonda Act is more drastic than Regulation III. Then why do you not apply the Goonda Act to political and physical Goondas, as it is more drastic? I for one would welcome it. So far as my information goes, under the Goonda Act, there are one or two Civilian Judges of the High Court associated with the proceedings, who sit and hear the evidence and I understand also that pleaders are allowed to appear there and examine witnesses for the defence. If that Act is more drastic than Regulation III, I would welcome you to apply it to political offenders.

Dr. Moreno, I understand, is an Honorary Magistrate. He several times in a week goes to court where pleaders preach him law. I think Dr. Moreno ought to know when he talked of sedition that there are these sections 121 and 121A which deal with sedition. If it is said that seditious meetings cannot be prohibited by sections 121 and 121A, my answer to this is that we have section 144 of the Criminal Procedure Code which is applied all over Bengal and other parts of India for the prevention of meetings and often social gatherings and all that.

Then as regards unlawful associations, which is the second part of the Criminal Law Amendment Act, the law has recently been amended. We have got section 120B of the Indian Penal Code which deals with unlawful associations, and can very well be applied to the suppression of criminal assemblies.

One word more and I have finished. My esteemed friend Mr. Jones several times said history showed this and history showed that, and he only referred to Ireland. If Mr. Jones wants another Irealnd in India, he is perfectly welcome. But if freedom had been given to Ireland 20 years back there would not have been such deplorable bloodshed. Might I refer Mr. Jones to certain extracts from Lord Morley's *Recollections*, Volume II?—

Your long extract from B—to you is really of first-rate interest. It is surely as satisfactory as anything that we can expect in these turbid days. His diagnosis of the dangerous elements underground seems very just and sound. But he should certainly be warned not to count on deportation as a weapon to be freely resorted to; and as for "legislating on the lines of the Irish Crimes Act," it is purely nonsense. He seems to refer to Forster's Act (not Balfour's of 1887), and that was about the most egregious failure in the whole history of exceptional law. If I know anything in the world, it is the record and working of Irish Coercion since 1881, and the notion in the present parliamentary circumstances, and with me of all men in the universe as Secretary of State, of

our being a party to a new law authorising "detention without trial" is really too absurd to be thought of. The venerable Regulation of 1818 is not easily swallowed, and a new version of it is a dream that a shrewd man like B——. should be too wide awake to nurse in his head for a single minute. However he evidently will not be in a hurry to stir for new engines of repression if he can possibly help it.

With your permission I will take one minute more to make another quotation from the same volume, page 327:—

Now your present position is beginning to approach this. You have nine men locked up a year ago by *lettre de cachet*, because you believed them to be criminally connected with criminal plots, and because you expected their arrest to check these plots. For a certain time it looked as if the *coup* were effective, and were justified by the result. In all this, I think, we were perfectly right. Then you come by and by upon what you regard as a great anarchist conspiracy for sedition and murder, and you warn me that you may soon apply to me for sanction of further arbitrary arrest and detention on a large scale. I ask whether this process implies that through the nine *detenus* you have found out a murder-plot contrived, not by them, but by other people. You say, "We admit that being locked up they can have had no share in these new abominations: but their continued detention will frighten evil-doers generally." That's the Russian argument: by packing off train-loads of suspects to Siberia we'll terrify the anarchists out of their wits, and all will come out right. That policy did not work out brilliantly in Russia, and did not save the lives of the Trepoffs, nor did it save Russia from a Duma, the very thing that the Trepoffs and the rest of the "offs" deprecated and detested.

So, that did not save Russia from the Duma. Well, representative Government is sure to come, and if you go on in this way, there may be another Duma in India.

The Hon'ble Sir HUGH STEPHENSON: We have heard many extracts from Lord Morley's *Recollections*. I have here many and I could quote on the other side, but I will refrain from doing so as it is clear that you could obtain quotations from somewhere which would support any view of his opinion.

The motion of Babu Bejoy Krishna Bose was then put and a division was claimed and called.

Mr. HUSEYN SHAHEED SUHRAWARDY: I rise to a point of order. We understand that we——

Mr. EDWARD VILLIERS: Who are "We?"

Mr. HUSEYN SHAHEED SUHRAWARDY: I would have appreciated that interruption from the Chair, but not from a member of the House. I understand, as well as some members of this House, that you have been pleased to rule that the Deputy President may not speak or vote on any resolution before the House. Is that your ruling still?

Mr. PRESIDENT: I do not understand why you are so interested in the Deputy President, because the question whether he should or

should not vote is a matter that concerns him and him alone, but I may inform the House that he has consulted me and I have ruled that when a controversial resolution is under discussion, and he has occupied the Chair, he ought to think very seriously before he records his vote. I may say that the Deputy Speaker in the House of Commons would not dream of voting.

Before I call a division, I desire to invite the attention of the House to the fact that I have received several complaints from members that they were inconvenienced by other members when proceeding towards the lobbies on the occasion of the divisions which were taken on the 25th. I must invite the attention of the House to note No. 5 at the end of section 37 of Part IV of the Manual—

It is not in order for a member to canvass for votes in the Council Chamber after a division has been ordered to be taken.

I must ask members who intend to vote to proceed straight through the door of the lobby in which they propose to vote. Both lobby doors must be kept entirely clear and members must not stand about in front of them or at the side of them.

The House was then ordered to divide.

A division was then taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Maulvi Tayabuddin.
Ahmed, Maulvi Zannoor.
Ali, Maulvi Syed Sultan.
Ali, Mr. Altaf.
Bagchi, Babu Romesh Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Basu, Babu Jatindra Nath.
Basu, Babu Sarat Chandra.
Bose, Babu Bejoy Krishna.
Chakravarti, Mr. Byomkesh.
Chakravorti, Babu Jogindra Chandra.
Chakravarty, Babu Sudarshan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Rai Harendranath.
Chaudhuri, Maulvi Md. Nurul Haq.
Chaudhuri, Maulvi Syed Abdur Rob.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das, Mr. C. R.
Das Gupta, Dr. J. M.
Dey, Babu Baroda Prosad.
Gafur, Maulvi Abdul.
Ganguli, Babu Khagendra Nath.
Haq, Shah Syed Emdadul.
Haque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Hug, Maulvi Mahbubul
Joardar, Maulvi Aftab Hossain.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Amanat.
Khan, Moulvi Mahi Uddin.
Mahammed, Maulvi Bashar.
Maity, Babu Mahendra Nath.
Mitra, Babu Satyendra Chandra.
Mukerjea, Babu Tarakneth.
Nasker, Babu Nem Chandra.
Neogi, Babu Manmohan.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Nogendra Narayan.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Kumar Shib Shekhareswar.
Roy, Babu Anilbaran.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Mr. Satcowripati.
Roy Chaudhuri, Babu Sailaja Nath.
Roy Chaudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarkar, Babu Naliniranjan.
Sasmal, Mr. Birendra Nath.
Sen, Mr. Nisith Chandra.
Sen Gupta, Mr. Jatindra Mohan.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.
Yasin, Maulvi Muhammad.

NOES.

Barton, Mr. H.
Chaudhuri, Nawab Saiyid Nawab Ali, Khan Bahadur.
Chelnuddin, Khan Bahadur Maulvi Md.
Cooper, Mr. Charles C.
Cattle, Mr. J.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Deare, Major-General B. H.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dunn, Dr. T. C. D.
Dutt, Mr. C. S.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Ghuznavi, the Hon'ble Hadji Mr. A. K. Abu Ahmed Khan.
Godfrey, Sir George Cochrane.
Goho, Mr. P. N.
Gupta, Mr. N. B.
Haq, Khan Bahadur Kazi Zahirul.
Haq, the Hon'ble Maulvi A. K. Fazl-ul.
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Lees, Mr. D. H.
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McAlpin, Mr. M. C.
Moberly, Mr. A. N.
Morene, Dr. H. W. B.
Nazimuddin, Maulvi Khaja.
Philip, Mr. J. Y.
Rahim, the Hon'ble Sir Abd-ur-.
Rose, Mr. C. F.
Sarkar, Maulvi Allah Baksh.
Stephenson, the Hon'ble Sir Hugh.
Stuart-Williams, Mr. S. C.
Swan, Mr. J. A. L.
Tarafdar, Maulvi Rajb Uddin.
Travers, Mr. W. L.
Villiers, Mr. Edward.
Wilson, Mr. R. B.

The Ayes being 63 and the Noes 43, the motion was carried.

Adjournment.

The Council was then adjourned until such date as would be notified to each member by letter.

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